



EMPLOYMENT TRIBUNALS

Claimant: Mrs Carolyn Howie

Respondent: Ms Andrea Hughes

Heard at: Wales ET **On:** 27th September 2023

Before: Employment Judge J Bromige

Representation

Claimant: In Person

Respondent: Did not attend

RULE 21 JUDGMENT

MADE PURSUANT TO RULE 21 OF THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE 2013

1. The Claimant's claim for unlawful deduction of wages is well founded and succeeds. The Respondent made two unlawful deductions from the Claimant's wages.
2. The Respondent is to pay the claimant **£970.50** (gross) in respect of unauthorised deduction from wages. This consists of two unlawful deductions of wages:
 - a. Between the period 3rd April – 28th April 2023 (4 weeks), the Claimant was contracted to work 17 hours per week, at a rate of £12.50 per hour (gross). Therefore the Claimant's contractual entitlement during this period was £850.00 (gross). She was only paid £87.50 (gross), making a shortfall of **£762.50** (gross).
 - b. Period 2 was between 1st January – 1st March 2023 (8.8 weeks). The Claimant was contracted to work 17 hours per week at a rate of £12.50 per hour (gross). Therefore the Claimant's contractual entitlement during this period was £1870.00 The Claimant was paid £1662.00 (gross), making a shortfall of **£208.00** (gross)
3. The Claimant's further claim for unlawful deduction of wages on the basis of incorrect mileage is not well founded since expenses are expressly excluded from s.13 ERA 1996 by virtue of s.27(2) ERA 1996.

4. The Claimant's claim for holiday pay is dismissed upon withdrawal.
5. The Claimant's claim for notice pay is dismissed since the employment is still continuing.
6. The Respondent further failed to provide the Claimant with written particulars of employment as required by s.1 ERA 1996. As per s.38 EA 2002 and Schedule 5 of the same Act, the Employment Tribunal makes an award of four weeks' pay for the same as it is just and equitable to do so. The Claimant was contracted to 17 hours per week at £12.50 per hour, and therefore the Claimant is awarded **£850.00**.
7. The total amount of the award is **£1820.50**. The recoupment provisions do not apply. The sum for unlawful deduction of wages is awarded gross and the Claimant is responsible for any income tax or employee national insurance contributions which may become due.

I can confirm that this is my judgment in the case numbered above and I have signed the judgment by electronic signature

Employment Judge **J Bromige**

Date: **27th September 2023**

JUDGMENT SENT TO THE PARTIES ON 2 October 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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