



EMPLOYMENT TRIBUNALS

Claimant: Matthew Gresty, Georgian Gates and Railings Limited

Respondent: Ms J Dunn

JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

The respondent not having presented a response to the claim and on the information before the Judge,

1. The claim for overpayment of wages is successful. The respondent is ordered to repay **£4192.43**
2. The claim for unauthorised bonus payment is successful. The respondent is ordered to repay **£250**.
3. The claim for overpayment of annual leave taken but not accrued is successful. The respondent is ordered to repay **£1365.33**
3. The claim for overpayment of expenses is successful. The respondent is ordered to pay **£221.25**

REASONS

1. The respondent worked in HR and payroll for the claimant gate company from 20 December 2021 to 10 August 2022.
2. The claimant dismissed the respondent for gross misconduct on 10 August 2022.
3. The respondent issued a claim for unfair dismissal, disability discrimination, sex discrimination and breach of contract on 23 August 2022 claim number 2406507/2022.
4. The claimant issued an employer's counter claim within the response to claim number 2406507/2022 which became claim number 2409406/22.

5. The respondent did not attend three case management preliminary hearings in claim number 2406507/2022 and on the last two occasions did not provide the Tribunal with an explanation for her non-attendance. As a result, claim number 2406507/2022 was struck out.

6. The respondent did not provide a response to the claimant's counter claim and this judgment was issued in accordance with rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

7. The claimant discovered that the respondent had, without the claimant's authority, increased her salary from £25,000 to £37,500. This resulted in an overpayment of wages of £4192.43

8. The claimant also discovered that the respondent had, without the claimant's authority, paid herself a bonus of £250.

9. The claimant also discovered that the respondent had not reimbursed the claimant in accordance with the claimant's policy for breakfast expenses incurred throughout the respondent's employment. The total expenses owed was £59.28.

10. Following termination of the respondent's employment, the claimant discovered that the respondent had used the claimant's credit card without the claimant's authority to pay for LinkedIn subscriptions. The total cost of the subscriptions was £161.97.

11. During the course of her employment the respondent took 24 days annual leave. The duration of the respondent's employment equated to 35% of the leave year. The respondent was entitled to 28 days annual leave each year. On termination of the respondent's employment, she had accrued 9.8 days leave. The respondent had therefore been overpaid by 14.2 days annual leave on termination of her employment. The total overpayment was £1365.33.

Employment Judge Ainscough

Date: 29 September 2023

JUDGMENT SENT TO THE PARTIES ON
16 October 2023

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2409406/2022**

Name of case: **Matthew Gresty, v Miss J Dunn**
Georgian Gates & Railings Limited

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 16 October 2023

the calculation day in this case is: 17 October 2023

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.