



# EMPLOYMENT TRIBUNAL

**Claimant:** Mr. B. Greenstein  
**Respondent:** Mr. M. Khan  
**Hearing:** Final Merits Hearing  
**Heard at:** East London Hearing Centre (via CVP)  
**On:** 26 October 2023  
**Before:** Employment Judge Tinnion

**Appearances:**

For Claimant: In person  
For Respondent: No attendance or representation

## JUDGMENT

1. The Claimant's claim of unauthorised deductions from wages under s.13 of the Employment Rights Act 1996 (**Claim**) is struck out under Rule 37(1)(a) (no reasonable prospect of success) because:
  - a. during the period of his employment (25 April 2022 – 30 December 2022), the Respondent was not the Claimant's employer;
  - b. the Claim is an abuse of process, the Claimant's claim against his former employer having been compromised by a COT3 Settlement Agreement reached on 13 January 2023 in respect of ACAS Case No: R281187/2022;
  - c. the Claim was not presented in time;
  - d. the Claimant's claim is in substance a debt claim based on an alleged failure by Intrepid LDN Limited to make a payment of £1,141.03 to him on 1 February 2023 and a further payment of £2,141.03 to him on 20 February 2023, as required under the terms of the COT3 Settlement Agreement, not a wages claim under s.13 of the Employment Rights Act 1996.

**Case Number: 3201067/2023**

**Employment Judge Tinnion**

**26 October 2023**