



EMPLOYMENT TRIBUNALS

Claimant: Mr MH Waheed

Respondent: Ruby Security Limited.

AT A HEARING

Heard at: Leeds **On:** 9th November 2023
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend
Respondent: Mr J West, director

The Claimant having been clearly notified at 12.20 on 8th November 2023 that the hearing would go ahead did make any contact with the Tribunal, and did not attend. Under rule 47 of the Employment Tribunal Rule of Procedure 2013 the hearing proceeded in his absence.

JUDGMENT

1. The Respondent has admittedly made an unauthorised deduction from the Claimant's wages and is ordered to pay him, for 43 ½ hours worked between 24th July and 14th August 2022 @ £9.50 per hour, the gross sum of £413.25 without any purported but unnotified deduction for mileage.
2. The Respondent has admittedly failed to pay the Claimant for accrued holiday pay up to the pleaded date of termination of employment, 14th August 2022, and is ordered to pay him the sum calculated by them of £52.44 gross.
3. The Respondent did not fail to give the Claimant a written statement of the terms and conditions of employment, so there is no uplift to those awards under section 38 of the Employment Act 2002.
4. The burden of proof being on him and the Claimant having provided no evidence either that he was dismissed, whether on the pleaded termination date or at all, or that the reason or principal reason for any dismissal was that he had alleged that there had been an infringement of a statutory right, the claim of automatically unfair dismissal under section 104 of the Employment Rights Act 1996 is dismissed.

Case: 1806727/2022

EMPLOYMENT JU DGE LANCASTER

DATE 9th November 2023