



EMPLOYMENT TRIBUNALS

Claimant: Miss E Hudson

Respondent: 4Thewkend Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The Claimant's complaint of unauthorised deduction of wages is well-founded and succeeds.
2. The Respondent is ordered to pay to the Claimant the gross sum of **£833.60**.

REASONS

1. The Claimant presented a Claim Form on **04 July 2023** in which she complained that her former employer had failed to pay her for the final 4 weeks of her employment.
2. The proceedings were initially served at the address given by the Claimant on the ET1, which was not the Respondent's registered office, with a response date of **24 August 2023**. The name of the Respondent was also stated to be '4 the Weekend'. No response was returned. Subsequently, at a preliminary hearing on **27 September 2023**, Employment Judge O'Dempsey amended the Respondent's name and directed that the Claim be re-served on the Respondent at its registered office, which it duly was, with a revised date for return of the ET3 of **27 October 2023**. Again, no response was returned.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.

4. The Claimant wrote to the Tribunal, on **12 October 2023** identifying as best he could the amounts deducted from his pay on **05 July 2023** and **05 August 2023**, being £74.84 and £67.94 respectively.
5. In advance of the preliminary hearing on **27 September 2023**, the Claimant sent some wage slips and other documents showing how her wages were calculated and amounts that were outstanding.
6. The Claimant was employed as a bartender from **03 March 2023** to **12 May 2023**. She was paid at the rate of £10.20 an hour. In the last four weeks of her employment she worked 73 hours but was not paid for any of that work. She had also been underpaid by £89 in March and April. The total amount owed to her is £833.60.
7. I was satisfied from the information available to me that the Claimant had worked the hours claimed, that the money claimed was properly payable to her, that it had not been paid and that the failure to pay amount to a series of deductions. There was no contractual or other authorisation for the deductions and the Claimant had not previously signified in writing her agreement or consent to the deductions. I was satisfied that I had sufficient information to make a declaration and an order that the Respondent pay the Claimant the amount set out in the order. Therefore, I was able to issue a judgment under rule 21 of the ET Rules of Procedure 2013.

Employment Judge Sweeney

Date: 31 October 2023