



EMPLOYMENT TRIBUNALS

Claimant: Miss Daphne Rhodes

Respondent: Georges GBK 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 **£500.03**.

REASONS

1. The Claimant presented a Claim Form on **10 October 2023** in which she complained that her former employer had failed to pay her for the final few weeks of her employment in June 2023.
2. The proceedings were on the Respondent's registered office, with a response date of **29 November 2023**. 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 **22 November 2023** identifying the amount of wages which were unpaid. She attached a small bundle of documents consisting of a calculation of the monies owed, her payslip of **30 June 2023** and imessage correspondence between her and the Respondent's director, Alan Newton.

5. The Claimant was employed as a waitress from **07 November 2022** to **10 July 2023**. She was paid £9.50 an hour. In her final payslip, she was to be paid the gross amount of **£904.88**. That payment was in respect of the period **01 June** to **30 June 2023** during which she had worked 95.25 hours and was payable on **30 June 2023**. None of the money due to her was paid on **30 June 2023**.
6. I was satisfied from the information available to me that the Claimant had worked the hours claimed, that the sum of **£904.88** was properly payable to her on **30 June 2023**, that it had not been paid and that the failure to pay amounted to a deduction. There was no contractual or other authorisation for the deduction and the Claimant had not previously signified in writing her agreement or consent to the deduction. I was satisfied that I had sufficient information to issue a judgment under rule 21 of the ET Rules.
7. Under Section 24 and section 25(3) Employment Rights Act 1996, the Tribunal must then order the employer to pay to the worker the amount of any deduction made in contravention of section 13 of that Act except to the extent that it appears that the employer has already paid any such amount to the worker. On **14 July 2023**, the Respondent paid to the Claimant the amount of **£404.85** in part payment of the unlawfully deducted monies, leaving a balance of **£500.03** due to the Claimant.
8. Accordingly, I was satisfied that it was appropriate to make an order that the Respondent pay the Claimant the amount set out in the above judgment.

Employment Judge Sweeney

Date: 4 December 2023