



EMPLOYMENT TRIBUNALS

Claimant: Mr P Smith

Respondent: TL Inn (Yorkshire) Ltd

RECORD OF A PRELIMINARY HEARING

Heard at: By CVP **On:** 1 February 2024
Before: Employment Judge Rostant

Appearances

For the claimant: In person

For the respondent: Mr S Womack

JUDGMENT

1. The respondent's responses to claims 1805294 and 1808011 both of 2023 are struck out. The respondent entered no response to the remaining claim.
2. The claim of automatic unfair dismissal for having made a protected disclosure fails and is dismissed.
3. The claim of breach of S8 Employment Rights Act 1966 succeeds in respect of the pay periods, 26 June to 23 July, 24 July to 20 August and 21 August to 11 September and the respondent is ordered to pay the claimant £3122.15 being the unnotified deductions in those periods.
4. The claim of breach of contract by reason of failure to comply with the contractual term to give notice succeeds and the respondent is ordered to pay the claimant £1615.38 (gross).
5. The claim for unauthorised deduction from wages succeeds and the respondent is ordered to pay the claimant £3785.80 (gross)

That sum is calculated as follows:

The claimant's weekly wage (gross) was £28,000 p.a or £538.46 gross.

He was employed from 5 May to 11 September. Although he was off work ill between 7 August and 11 September (5 weeks) he was entitled to full pay for 4

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weeks sickness and was on notice (and therefore entitled to full pay for the final week). He was therefore entitled to 17 Weeks pay during the course of his employment. His employment terminated on 11 September and at that point he was entitled to 1.94 weeks accrued holiday pay. In all a total of 18.94 weeks at £538.46 Total £10,198.43.

In addition, for the pay reference periods 27 May to 25 June and 26 June to 23 July by reason of the number of hours he worked his gross pay fell short of the national minimum wage (£10.42 per Hour) by a total of £436.81.

It follows that including accrued holiday pay the claimant was entitled to gross pay in the sum of £10,635.24.

The claimant has received actual pay in the sum of £6849.44

He is therefore entitled to the gross sum £3,785.80.

EJ Rostant

1 February 2024

Sent to the parties on:

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For the Tribunal Office:

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