



# EMPLOYMENT TRIBUNALS

**Claimant:** Tomas Mikalajunas

**Respondent:** Kumar Freight Line Ltd

**Heard at:** Midlands West Employment Tribunal (by CVP)

**On:** 13 May 2024

**Before:** Employment Judge Chivers

## Representation

Claimant : Ziedune Mikalajunaite (sister)

Respondent : Jugraj Singh (Admin Team) (in part)

# JUDGMENT

1. The complaint of breach of contract in relation to notice pay is well founded. The respondent is ordered to pay the claimant the sum of £900 as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will be taxed upon it as Post Employment Notice Pay.
2. The complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well founded. The respondent made an unauthorised deduction from the claimant's pay in respect of (a) £200 wages not paid for the period worked between 17 October and 21 October 2022; (b) £900 wages not paid for work undertaken in week commencing 7 November 2022; (c) £1,100 wages not paid for work undertaken in week commencing 14 November 2022; and (d) £7,866 in respect of holiday pay. The respondent is ordered to pay to the claimant the gross sum of £10,066 deducted from pay.

Employment Judge Chivers

Date: 13 May 2024

**Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>