



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr J Roberts

v

Defacto GG76 Ltd (in voluntary liquidation) formerly Group Garner Ltd

JUDGMENT

1. The claimant's claim for unauthorised deduction of wages is well founded and the respondent is ordered to pay him the gross sum of £2,400 (subject to Tax and National Insurance).
2. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of £3,000 (subject to Tax and National Insurance).
3. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages in the net sum of £946.44.
4. The respondent has failed to provide the claimant with itemised pay statements and the respondent is ordered to pay him a monetary award in the gross sum of £20,790.16.
5. The claimant's claim for a redundancy payment is dismissed.

REASONS

1. The claimant was paid £78,000 per annum or £6,500 gross per month, £4,101.23 net per month. That represents £1,500 gross, £946.44 net per week.
2. The claimant was not paid for 4 weekends. 8 days x £300 per day = £2,400 gross.
3. In the absence of information about the claimant's contractual holiday year and entitlement, the holiday year has been taken from his start date, 5

January and his entitlement the statutory 28 days. 4 January 2023 – 2 June 2023 is 6 months so the claimant would have accrued 14 days holiday or 2 weeks. $2 \times \text{£}1,500 = \text{£}3,000$ gross.

4. The claimant had a statutory right to 1 week's notice. $1 \times \text{£}946.44 = \text{£}946.44$ net damages.
5. The claimant was not provided with itemised pay statements. The claim was presented on 9 July 2023 and the 13 weeks preceding that would begin on 9 April 2023. 9 April 2023 to the date of the end of the claimant's employment on 2 June 2023 is 8 weeks. The claimant had 8 weeks of unnotified deductions of Tax and National Insurance. $\text{£}6,500 - \text{£}4,101.23 = \text{£}2,598.77$. As there has been a total failure, the maximum award is appropriate. $8 \times \text{£}2,598.77 = \text{£}20,790.16$ gross.
6. The claimant was not employed for 2 years and so did not qualify for a redundancy payment.

Employment Judge Alliot

Date: 2 May 2024

Sent to the parties on: 14 June 2024

For the Tribunal Office

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/>