



EMPLOYMENT TRIBUNALS

Claimant: Luca Lojudice

Respondent: Dolce Vita Dining Ltd

Heard at: Cardiff Magistrates Court **On:** 4 July 2024

Before: Employment Judge K Hunt

Representation

Claimant: In person

Respondent: Mrs Brancimore (Respondent's Book-Keeper)

JUDGMENT

1. The Claimant's complaint that there was an unauthorised deduction from his wages is well founded.
2. The Respondent made unlawful deductions in respect of the following wages:
 - 10 hours shortfall for September (payslip dated 10/10/23) of £110.00
 - unpaid wages for October of £1248.11 (payslip dated 10/11/23) and 3 unpaid shifts on 1 and 4 November of £162.03 - totalling £1,410.14

The Respondent shall pay the Claimant the gross sum of **£1,520.14** (less deductions for tax and national insurance contributions).

3. The Claimant's complaint for breach of contract in relation to one week's notice pay is well founded. The Respondent shall pay the Claimant **£330.00** as damages for breach of contract. This figure has been calculated using gross pay to reflect that the likelihood that the Claimant will have to pay tax on it as Post Employment Notice Pay.
4. The Claimant's complaint in respect of holiday pay is well founded. The Respondent failed to pay the Claimant in accordance with regulation 14(2) and/or 16 (1) of the Working Time Regulations 1998.
5. The Respondent shall pay the Claimant the gross sum of **£825.97** (less deductions for tax and NICs) in respect of 75.5 hours of accrued but untaken holiday due on termination.
6. When the proceedings were begun the Respondent was in breach of its duty to provide the claimant with a written statement of employment

particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable.

7. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£660.00**.

Employment Judge K Hunt
Date 4 July 2024

JUDGMENT SENT TO THE PARTIES ON 8 July 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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>