



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Mr Soheil Houshangifar

Respondent: Al Forge London LTD

Heard at: in public by CVP

On: 17 July 2024

Before: Employment Judge Adkin

Appearances

For the claimant: Claimant in person

For the respondent: n/a

JUDGMENT

- (1) Claim for unlawful deduction from wages pursuant to section 13 and 23 of the Employment Rights Act 1996 is well founded. The Respondent shall pay the Claimant the following sums, **net of tax and national insurance**:
 - a. £2,763.44 unpaid salary;
 - b. £259.62 unpaid holiday.
- (2) The Respondent shall provide to the Claimant details of sums deducted for tax and national insurance relating to these sums, whether by pay slip or similar detailed document.
- (3) The Claimant's claim arising from financial losses caused by his unpaid wages under section 24(2) of the Employment Rights Act 1996 is stayed and will stand dismissed on 17 January 2025 in the event that there is no request from either party for a further hearing and no application for reconsideration.

REASONS

The Claim

1. The Claimant presented his claim of unlawful deduction from wages (arrears of pay, unpaid annual leave) on 29 March 2024, having been issued an ACAS certificate on 18 March 2024 following an early conciliation starting on 13 March 2024.
2. The Respondent had until 27 May 2024 to provide a response. No response in time was provided, but the Respondent put in a response late on 28 May 2024. The response form completed by Kevin Jackson indicated agreed that payment was in arrears and that the Respondent wished to settle as soon as funding had been obtained. In other words the response did not contain a substantive defence to the claim.
3. By a letter dated 8 July 2024 Employment Judge Snelson wrote as follows:

“Your response form was presented one day late. Employment Judge Snelson assumes that you wish the Tribunal to extend time by one day and accept the late response. You are directed to tell the Tribunal within 7 days of the date of this email why you did not deliver the response in time and why, you say, it would be fair and reasonable to extend time. Please note that if time is not extended you will not be free to defend the claim.”
4. No response to that letter was received from the Respondent.

Hearing

5. At today's hearing by video the clerk spoke to Kevin Jackson at the Respondent by telephone who said that he had not been aware of the hearing and was not able to join it.

Disposal of claim

6. I considered whether to list a further hearing.
7. At present the claim is undefended. The Respondent has not put in a response in time. The response submitted out of time agrees that monies are owed. There is no substantive defence. There has been no explanation from the Respondent why the response was submitted late so as to be the basis for an application for the extension of time under rule 20 of the Employment Tribunal (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 ("the Rules").
8. The Claimant is seeking compensation for financial losses caused by non-payment of his wages. Specifically he mentioned the cost of having to move house and credit card charges and interest paid on money that he has had to borrow. He did not have documentary evidence of these matters at this

hearing. It would have required a further hearing to deal with this matter. It was his preference to obtain judgment on the undefended sums and for me to stay the claim relating to those other financial losses.

9. I explained to the Claimant that he could not recover for mental distress.

Reconsideration

10. The Respondent may apply for reconsideration of this decision under rules 70-72 of the Employment Tribunal (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 ("the Rules") **within 14 days** of the date that that this judgment is sent to the parties.
11. If the Respondent is seeking a reconsideration of this judgment, I could list a further video hearing under rule 72(2) to consider whether time should be extended to allow the Respondent to defend it, but also lift the stay on the Claimant's claim for financial losses so that he can bring evidence of other financial losses caused by the non-payment of his wages. In other words the judgment sum might increase from the current figure.
12. If the Respondent wishes for me to reconsider this judgment, it should:
 - 12.1. provide an explanation why the response was submitted late in line with the letter requesting this explanation from Employment Judge Snelson on 8 July 2024, the content of which is quoted above;
 - 12.2. explain whether the figures set out in the calculations below are agreed, and if they are not agreed, provide its own detailed calculations.

Calculations

13. The Claimant was paid £27,000 per year gross salary, which represented £2,250 per month. He was not paid for December 2023, January 2024 and half of February 2024, which amounts to $£2,250 \times 2.5 = £5,625$.
14. The Claimant gives credit for the sum of £2,865.56 received by him from the Respondent on 29 May 2024.
15. £5,625 less £2,865.56 leaves a net £2,763.44 unpaid salary owing.
16. Additionally the Claimant claims 2.5 days accrued but unpaid and leave. At a daily rate of £103.85, this amounts to unpaid annual leave of £259.62.

Employment Judge Adkin

Date 17 July 2024

WRITTEN REASONS SENT TO THE PARTIES ON

23 July 2024

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FOR THE TRIBUNAL OFFICE

Notes

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