



# EMPLOYMENT TRIBUNALS

**Claimant:** M Sykes

**Respondent:** Coanda Aeronautical Turbines Limited

**Heard at:** Middlesbrough Employment Tribunal      **On:** 5<sup>th</sup> August 2024

**Before:** Employment Judge McGregor

**By:** In Person

## **Representation**

**Claimant:** Appeared in person, unrepresented

**Respondent:** Appeared represented by Miss Anderson from Croner

1. The Claim was issued in the Newcastle Employment Tribunal on the 12<sup>th</sup> March 2024. The Respondent provided a response to the claim on the 26<sup>th</sup> March 2024.
2. The hearing was listed for a full merits hearing, in person, for a full day on the 5<sup>th</sup> August 2024.
3. The Respondent's witness Mr Andrews failed to attend the hearing. The Tribunal were informed that the Respondent is in Hong Kong and meant no deliberate discourtesy to the Tribunal, but had misread the Case Management Order of the 14<sup>th</sup> June 2024. The Respondent's representative requested a postponement. This was the second request for a postponement on the basis of the Respondent being abroad and unable to attend a hearing.
4. The Respondent's witness statement had been served late on the 23<sup>rd</sup> July, in breach of the Order of the 14<sup>th</sup> June 2024 for service by the 19<sup>th</sup> July 2024.
5. For reasons given at the hearing, the Respondent's response was struck out under rule 37 of the Employment Tribunal Rules of Procedure, and in accordance with the overriding objective within rule 2 of those rules. The Tribunal heard submissions of both parties and found that the Respondent has repeatedly failed to comply with orders of the Tribunal.
6. The Tribunal heard evidence from the Claimant and considered the witness statement and bundle provided.

# JUDGMENT

1. The Claimant's complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well-founded. The Respondent made unauthorised deductions from the Claimant's pay in respect of the period 9<sup>th</sup> November 2023 – 26<sup>th</sup> February 2024.
2. The Respondent shall pay the Claimant the sum of **£39,619.00 (being the gross amount owed) within 14 days of the date of this judgment.**

Employment Judge McGregor

Date 5<sup>th</sup> August 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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