



EMPLOYMENT TRIBUNALS

Claimant	Mr M Luduena
Represented by	In person
Interpreter	Ms P LeFevre
Respondent	Abasto Ltd
Represented by	Did not appear and was not represented

Employment Judge Ms A Stewart (sitting alone)

Held at: London Central by CVP **on:** 18 September 2024

JUDGEMENT

1 The Claimant's complaint, under section 23 of the Employment Rights Act 1996, that he has suffered unlawful deductions from his wages within the meaning of section 13 is well-founded and succeeds.

2 Accordingly, it is ordered that the Respondent pay to the Claimant the following sums;

(i) £1,335.36 pence net unpaid wages for the month of November 2023.

(ii) £1,045.00 pence net, being 9.5 days unpaid holiday pay for the period 1 September to December 2023.

3 It is further ordered that the Respondent pay to the Claimant the sum of £3,470.76 pence in statutory redundancy pay.

Employment Judge Stewart

Date 18 September 2024

Judgment sent to the parties on

.....24 September 2024.....

FOR THE TRIBUNAL OFFICE



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REASONS

1 The Respondent has not presented a Response to this claim and did not appear today either in person or by representation. The Respondent has said that the Respondent company is in liquidation but has failed to name the liquidator. There have been 2 previous PHs in this case and the Tribunal has made inquiries regarding the status of the company. Companies House official website today shows the Respondent as 'active' and do not mention liquidation, voluntary or compulsory. The Tribunal was satisfied today that the Respondent is not in compulsory liquidation and therefore proceeded with the hearing of the Claimant's claims.

2 The Tribunal was satisfied on the evidence before it, including the Claimant's evidence on oath, that he was not paid his salary for November 2023 when the Respondent's premises was suddenly locked shut on 4 December 2023, and that he had not been paid 9.5 days untaken holiday at the end of his employment. Accordingly, he is entitled to the sums of £1,335.36 pence net salary for November 2023 and £1,045.00 net pay for leave untaken at the end of his employment.

3 His redundancy pay was calculated as follows: His date of birth was 20 September 1977 (over 41 years old at termination of his employment). He worked for the Respondent from 9 September 2017 until 4 December 2023 (6 years 3 months). His gross monthly pay for the latter period of his employment was £1,671.00, being £385.61 per week.

Therefore: 6 completed years x £385.61 x 1.5 = **£3,470.76 pence.**

Employment Judge Stewart

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FOR THE TRIBUNAL OFFICE
