



EMPLOYMENT TRIBUNALS

Claimant: Mr D Marchenko
Respondent: Alto Electrical Limited
Heard at: Lincoln Magistrates' Court
On: 18 September 2024
Before: Employment Judge S Shore

Appearances

For the claimant: In person
For the respondent: No Appearance

JUDGMENT

The decision of the Tribunal is that:

1. The correct name of the respondent is Alto Electrical Limited.
2. The claimant's claim of unauthorised deduction from wages is well-founded and succeeds. The respondent shall pay the claimant:
 - 2.1. £3,069.21 (gross without deduction of Income Tax and National Insurance) in respect of wages for November and December 2023;
 - 2.2. £501.11 (gross without deduction of Income Tax and National Insurance) in respect of pension contributions; and
 - 2.3. £88.57 (gross without deduction of Income Tax and National Insurance) in respect of unpaid holiday pay.
3. The claimant's claim of breach of contract is well-founded and succeeds. The respondent shall pay the claimant:

- 3.1. £442.85 (gross without deduction of Income Tax and National Insurance) for one week's notice.
4. The respondent failed to provide the claimant with written terms and conditions of employment as required by section 1 of the Employment Rights Act 1996. Under section 38 of the Employment Act 2002, the respondent shall pay the claimant four weeks' wages - £1,771.40 (gross without deduction of Income Tax and National Insurance).
5. The total payable by the respondent to the claimant is £3,069.21 + £501.11 + £88.57 + £442.85 + £1,771.40 = **£5,873.14** (gross without deduction of Income Tax and National Insurance)

Employment Judge Shore
19 September 2024

Sent to the parties on:

...25 October 2024.....

For the Tribunal Office:

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Note

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

All judgments (apart from those under rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

Recordings 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/>