



# EMPLOYMENT TRIBUNALS

Claimant: Mrs J Storey  
Respondent: ETHICAL PAY LIMITED

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

### Unfair Dismissal

1.The claimant's complaint of unfair dismissal is not well founded and is dismissed.

### Wages

2.The complaint of unauthorised deductions from wages is well-founded.

3.The respondent shall pay the claimant **£4166.67** which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

### Breach of contract

4.The complaint of breach of contract in relation to notice pay is well-founded.

5.The respondent shall pay the claimant **£760** as damages for breach of contract.

### Holiday Pay

6.The complaint in respect of holiday pay is well-founded. The respondent was in breach of contract in failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.

7.The respondent shall pay the claimant **£456.00** as damages for breach of contract. This is the net value to the claimant of the amount due.

### Reasons

The claimant presented a valid claim to the employment tribunal on 22<sup>nd</sup> of May 2024.

The respondent has failed to file a response

The claimant has provided written information as regards the sums owed to her including arrears of wages, notice pay and holiday pay

The claimant has provided a payslip confirming her net and gross earnings

Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented, and no application for reconsideration is outstanding, an Employment Judge shall decide whether on the available material a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgement, otherwise a hearing must be fixed before a judge alone

I am satisfied on the basis of the information provided to me that there is sufficient information will be to issue a judgement under rule 21.

There is a difference between the tribunal figures and the claimant's claim because an unlawful deduction from wages claim is based on the gross and not net pay.

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Employment Judge T Smith

Date: 20 August 2024