



EMPLOYMENT TRIBUNALS

Claimant: Mr Kareiva

Respondent: Complex Logistics Limited

Heard at: Bury St Edmunds (by CVP)

On: 12 September 2024

Before: Employment Judge Murdoch

Representation

Claimant: In person

Respondent: Ms Baigent, solicitor

JUDGMENT

1. In a Case Management Order dated 6 August 2024, Employment Judge Hanning directed a further hearing to reconsider the rule 21 judgment dated 26 May 2023.
2. The rule 21 judgment dated 26 May 2023 (which awarded the claimant a sum of £2,750) is varied as set out below.

Unpaid wages

3. The complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well-founded. The respondent made an unauthorised deduction from the claimant's pay in respect of the period 16 March 2022 to 16 June 2022. The respondent is ordered to pay to the claimant the gross sum of **£1,190** deducted from pay.
4. This sum is made up of:
 - £609.62 for the month of March 2022 (payable on 16th April 2022)
 - £514.28 for the month of April 2022 (payable on 16th May 2022)
 - £520.00 for the month of May 2022 (payable on 16th June 2022)
 - The above three sums total £1,643.90 (rounded up to £1644)
 - Statutory Sick Pay calculations have been factored into the above figures, but the claimant was not eligible as he did not provide the fit notes, so I have deducted £453.
 - Total figure is therefore **£1,190** (£1,190 minus £453).

Holiday pay

5. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's pay by failing to pay three days holiday pay and is ordered to pay the claimant the gross sum of **£120**.
6. This sum is calculated on the basis that the respondent's holiday leave year commences on 1 April, which is set out in the claimant's contract of employment. The claimant accrues holiday at 1.66 days a month, so the claimant accrued 3 days holiday from 1 April to 23 May 2022 (the latter date is the day the claimant was dismissed with immediate effect). The claimant was paid £40 per day (4 hours per day at £10 an hour).

Total

7. The respondent therefore owes the claimant the gross sum of **£1,310** (£1,190 plus £120).

Employment Judge Murdoch

Date 12 September 2024
JUDGMENT SENT TO THE PARTIES ON
16 November 2024

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FOR THE TRIBUNAL OFFICE

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

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.