



EMPLOYMENT TRIBUNALS

Claimant: Mr. S. Bingham

Respondents: Just Wheels Trade Limited (1)
Just Wheels Trade (2)

Heard at: Newcastle Civil and Family Courts and Tribunal Centre via
CVP

On 13 and 14 November 2024

Before: Employment Judge T.R. Smith

Representation

Claimant: Ms. Sadler (solicitor)

Respondent: Mrs. J. Bushall (director of R1)

JUDGMENT

1.All claims against the second respondent are not well-founded and are dismissed.

2.The claimant's complaint of unlawful deduction from wages against the first respondent is not well-founded and is dismissed on withdrawal.

- 3.The claimant's complaint of non-payment of holiday pay against the first respondent is not well-founded and is dismissed on withdrawal.**
- 4.The claimant's complaint of breach of contract (non-payment of notice pay) against the first respondent is well-founded and the first respondent is ordered to pay the claimant four weeks pay namely £1762.96. It is not just and equitable to make an adjustment under section 207A Trade Union and Labour relations (Consolidation) Act 1992.**
- 5.The claimant's complaint of unfair dismissal against the first respondent is well-founded. The claimant was unfairly dismissed**
- 6.It is just and equitable to reduce the claimant's basic award by 50% because of his conduct before dismissal. The respondent shall therefore pay the claimant a basic award of £1008 (£2016 less 50%)**
- 7.The claimant's claim for a compensatory award is dismissed.**
- 8.The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.**
- 9..When the proceedings were begun the first respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There were no exceptional circumstances that made an award of an amount equal to 2 weeks gross pay unjust or inequitable. It was not just and equitable to make an award of amount of four weeks pay. In accordance with section 38 of the Employment Act 2002 respondent therefore is ordered to pay the claimant £1008.**
- 10.The first respondent's contractual counterclaim under case number 2501834/2024 is not well-founded and is dismissed.**

Employment Judge **T.R.Smith**

Date 14 November 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.

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.

Recording 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/>