



EMPLOYMENT TRIBUNALS

Claimant: Mr D Hibbert
Respondent: Optilan Group Ltd
Heard at: Birmingham (by CVP)
On: 11 June 2024
Before: Employment Judge Meichen

Appearances

For the claimant: in person
For the respondent: no appearance or representation

JUDGMENT

1. The respondent was on notice of today's hearing which was due to start at 10 am. However, there was no appearance or representation from the respondent. The tribunal clerk attempted to contact both the respondent's former representative and the respondent directly by email and by phone. The respondent's former representative explained they were no longer instructed and it was not possible to contact the respondent directly. I waited until 10.35 am and then decided to proceed in the respondent's absence.
2. The respondent made an unauthorised deduction from the claimant's wages by not paying his salary in May and June 2023. This was admitted by the respondent in the response. The respondent is ordered to pay the claimant the sum of £15833.34. This sum is awarded gross. The recoupment provisions do not apply to this award.
3. The respondent failed to pay the claimant his notice pay. However the claimant mitigated his loss so that there was no loss. Accordingly nothing is awarded for this breach.
4. The claimant raised various other allegations in his schedule of loss. However they had not been properly raised in the claim form.
5. I granted the claimant permission to amend his claim to include an allegation about an unpaid bonus because (a) the respondent had pleaded a response to this claim in its response and therefore there was no prejudice to the respondent in allowing this amendment and (b) the evidence about the bonus scheme was in the bundle for today's hearing.
6. The allegation about an unpaid bonus failed because the bonus was discretionary and the claimant did not meet one of the conditions for payment.

7. I refused the claimant permission to amend to include the other allegations in the schedule of loss because (a) the claimant had not prepared any evidence to enable me to determine those allegations today and (b) the respondent had not been given the opportunity to respond to either the application to amend or the allegations themselves. However I granted the claimant permission to renew his application to amend, within the timescale set out below.
8. If the claimant wishes to pursue applications to pursue the following allegations he must make an application to the tribunal, copied to the respondent, within 14 days of the sending of this judgment:
 - 8.1 Unpaid pension contributions.
 - 8.2 Unpaid holiday pay.
 - 8.3 A complaint under section 24(2) Employment Rights Act 1996 in respect of interest payable on a loan.
 - 8.4 Uplift for failure to follow the ACAS code in respect of a grievance raised by the claimant.
9. If the claimant wishes to pursue any such application he must provide all relevant evidence in his possession and a statement explaining (a) why the allegation was not raised in his claim form and (b) what the basis is for the allegation, how much is claimed and how it has been calculated.

Employment Judge Meichen

11 June 2024

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Reasons for the judgment having been given orally at the hearing and summarised above, further 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.