



EMPLOYMENT TRIBUNALS

Claimant: Mr Mudd-Herel
Respondent: Luna & Sunny Limited
Heard at: East London Hearing Centre (by CVP)
On: 9 December 2024
Before: Employment Judge Howden-Evans

REPRESENTATION:

Claimant: In person, supported by Mr Campbell, friend
Respondent: No attendance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued in the East London Employment Tribunals on 23rd July 2024. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, in accordance with rule 21 of the Rules of Procedure.
2. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages. The respondent shall pay the claimant **£425**. This is the gross sum deducted (£340) with 25% ACAS uplift applied (see paragraph 4). The claimant is responsible for the payment of any tax or National Insurance.
3. The complaint of unfair constructive dismissal is well-founded. The claimant was unfairly dismissed.
4. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase:
 - a. the unfair dismissal compensatory award and

- b. compensation for unauthorised deductions from wages;
by 25% in accordance with s 207A Trade Union & Labour Relations
(Consolidation) Act 1992.
5. In respect of the unfair dismissal claim, the respondent shall pay the claimant the following sums:
- (a) A basic award of **£340**; and
 - (b) A compensatory award of **£9,350**.
- Note** these are the sums payable to the claimant after ACAS uplift has been applied.
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.
7. The complaint of breach of contract is well-founded, but compensation for breach of contract has been set off against the compensation awarded for unfair dismissal to avoid double-compensation.
8. The total amount owed to the Claimant by the Respondent is **£10,115**.
9. Interest will accrue at a rate of 8% per annum on any amount of this award that remains unpaid 14 days after the date of this judgment. (See Article 3 (1) Employment Tribunals (Interest) Order 1990). This means if the whole amount remains unpaid it will accrue interest at a rate of £2.22 per day.

Employment Judge Howden-Evans
9th December 2024

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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