



EMPLOYMENT TRIBUNALS

Claimant

Mohammed Azam

Respondent

v Brooklyn Pizza Crew Fulham Branch

FINAL HEARING

Heard at: London Central (In Person)

On: 10th February 2025

Before: Employment Judge Gidney

Appearances

For the Claimant: Mr Mohammed Azam (in person)

For the Respondent: No attendance

RULE 22 JUDGMENT

Upon the Claimant's Claim Form being sent to the Respondent on 2nd May 2024;
And Upon the Respondent being informed of the Claim by the Tribunal on 20th June
and 5th July 2024;
And Upon the listing of this hearing by EJ Hopton for 4th November 2024;
And Upon REJ Freer postponing the hearing from 4th November 2024 to 10th February
2025 on the Respondent's application made on medical grounds;
And Upon the application by Sebastain Eshraghi to postpone the hearing listed for
10th February 2025, made at 11.30pm on Sunday 9th February 2025;
And upon hearing the Claimant give evidence under Oath:

The Judgment of the Tribunal is that:

1. The Respondent's 2nd application for a postponement is refused.
2. The complaint of unauthorised deductions from wages is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages in the period 21st December 2023 until 7th April 2024.
3. The Respondent shall pay the Claimant £2,271.39, which is the net sum due after tax.

Employment Judge Gidney

10th February 2025

Sent to the parties on:

18 February 2025

.....
For the Tribunal:
.....

Summary Reasons

Postponement Application

1. By a Claim Form dated 2nd May 2024 the Claimant presented a single claim of unlawful deductions from wages against his employer, The Brooklyn Pizza Crew Fulham Branch. The Tribunal informed the Respondent of the Claim on 20th June 2024 and 5th July 2024. No ET3 Response Form has ever been received. On 20th August 2024 Employment Judge Hopton listed the case for final hearing on 4th November 2024. On 1st November 2024 Regional Employment Judge Freer granted the Respondent's postponement application on medical grounds. He ordered the production of medical evidence to

support that application. The case was relisted for today, Monday 10th February 2025.

2. At 11.30pm on Sunday 9th February 2025 Mr Eshraghi, on behalf of the Respondent, applied to postpone the hearing for a second time, on the grounds of his own mental ill health. This time he produced the following medical evidence:
 - 2.1. A letter from Central and North West London NHS Foundation Trust dated 14th November 2024 which confirmed that the Claimant had been sectioned on 14th November 2024 under s2 Mental Health Act 1983;
 - 2.2. A letter from Central and North West London NHS Foundation Trust dated 13th January 2025 confirming that Mr Eshraghi was now back in the community. It acknowledges that prior to the 13th January 2025 he had been unable to engage in business activities, but it anticipated that he will be able to engage as he recovers and is expected to make a full recovery. That letter was created 1 month prior to this hearing.
3. In the Claimant's email for a 2nd postponement (sent at 11.30pm the night before the hearing) Mr Eshraghi asserted that, '*I was only informed of this hearing at 11pm on 09/02 by another former "Brooklyn Pizza Crew" colleague Mr. Naveen*'. This indicates that the Respondent (if not Mr Eshraghi) was aware of the postponed hearing and yet elected not to defend it or attend.
4. Mr Eshraghi, despite two postponement applications, has not adduced medical evidence as to his ability to attend the hearing on 10th February 2025. His evidence dated 13th January 2025 suggests an improvement in his condition and I have seen nothing to suggest he is unfit to attend a hearing on 10th February 2025 and nothing to explain why the Respondent cannot be represented today by another Officer, employee, solicitor or agent. In the circumstances the postponement application is refused.

Unlawful Deduction of Wages

5. Turning now to the Claimant's unlawful deductions of wages claim, the Claimant gave evidence under Oath, on the Koran.
6. The Claimant commenced employment with the Respondent in the role of 'Front of House' on 8th December 2022 until the termination of his employment on 7th April 2024. He asserts that upon termination of his employment he had been unpaid, ie the Respondent had made unauthorised deductions from his pay.
7. He produced a schedule of underpayments, that he asserts Mr Eshraghi had given him, which showed a deficit of £2,271.39. He was able to produce bank statement entries showing amounts crediting his account, that were consistent with the sums that the schedule stated had been paid.
8. I had no reason to doubt the Claimant's veracity and I accepted the evidence of what he had been paid into his bank and the amounts that his schedule indicated had been unlawfully deducted, in the sum of £2,271.39.
9. The Claimant also asserted that the schedule was itself incorrect, in that some hours worked by the Claimant had been missed off. If correct, this would mean that the total deductions could exceed the £2,271.39 established by the Schedule and the bank payments. In exploring this however, the Claimant accepted that he could not prove what his recorded hours should have been or what additional sum, if any was due.
10. In the circumstances I have limited the compensation to the sums that were established to day, in the net sum of £2,271.39.

"The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

Public access to employment tribunal decisions: Note that both 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 parties”.