



Case Number: **1303109/2024**  
**1307461/2024**

## EMPLOYMENT TRIBUNALS

Claimant

Respondent

**Mr D Everett**

**v**

**Ney Limited**

Heard at: **Birmingham** (by video) On: **1 July 2025**

Before: **Employment Judge Kenward**

### Appearances

For the Claimant: **in person**

For the Respondent **Ms C Johnson, Paralegal**

## JUDGMENT

1. The Claimant's complaints of unauthorised deductions from wages are not well-founded and is dismissed.
2. The Claimant's complaints as to breach of contract and / or notice pay are not well-founded and is dismissed .
3. The Claimant's complaint as to holiday pay is well-founded and succeeds in that the Claimant is entitled to be paid the sum of £115.38 by the Respondent.
4. The Respondent's complaint of breach of contract is well-founded and succeeds in that the Respondent is entitled to recover from the Claimant the sum of £9,497.86 comprised of:
  - (1) £807.66 in overpaid wages;
  - (2) £6,320.00 in respect of overpaid commission;
  - (3) £2,370.20 in respect of commission which was repayable on termination of the contract of employment.
5. The Respondent is entitled to set off its liability to the Claimant for the sum of £115.38 against the Claimant's liability to the Respondent for the sum of £9,497.86 so that the net amount owed by the Claimant to the Respondent is £9,382.58.

Approved by  
Employment Judge Kenward

Dated 1 July 2025



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