



EMPLOYMENT TRIBUNALS

Claimant: Mr W Lowther

Respondent: Opsium Employer Support Limited

HELD AT: Manchester

ON:

22 May 2017

BEFORE: Employment Judge Ross

REPRESENTATION:

Claimant: In person

Respondent: Mr G Davies in person

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim of unlawful deduction from wages in respect of mileage expenses pursuant to section 13 of the Employment Rights Act 1996 is well-founded and succeeds. I order the respondent to pay the claimant the sum of £623.31 within 21 days of the date of this judgment.
2. The claimant's claim for unlawful deduction from wages pursuant to the Employment Rights Act 1996 in respect of commission is not well-founded and does not succeed. The claimant's claim in the alternative for breach of contract in respect of commission is not well-founded and does not succeed.
3. The claimant's claim for payment in lieu of notice pursuant to the Employment Rights Act 1996 is not well-founded and does not succeed, and in the alternative the claimant's claim for payment in lieu of notice for breach of contract is not well-founded and does not succeed.

4. The claimant is entitled to the issue fee of £160 and the hearing fee of £230 to be paid by the respondent within 21 days of the date of this judgment.

Employment Judge Ross

Date 23 May 2017

JUDGMENT SENT TO THE PARTIES ON

25 May 2017

FOR THE TRIBUNAL OFFICE

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2400103/2017

Name of case: Mr W Lowther v Opsium Employer Support Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 25 May 2017

"the calculation day" is: 26 May 2017

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office