



EMPLOYMENT TRIBUNALS

Claimant: Mr Mark Arthur
Respondent: Fabcraft Engineering Limited
Before: Employment Judge Howden-Evans (sitting alone)
On: 30th August 2018

JUDGMENT

In the absence of an ET3 Response and there being sufficient material before me on which I can properly make a determination, I have decided:

1. The respondent has unlawfully deducted wages from Mr Arthur. Mr Arthur is owed **£1473.50** in respect of unpaid wages (for the weeks ending 13th, 20th and 27th April 2018).
2. Mr Arthur's claim for breach of contract in respect of unpaid expenses is upheld. Mr Arthur is awarded **£216.58** in respect of unpaid expenses that were incurred by him in the course of his employment.
3. Mr Arthur had raised a written grievance. The respondent has unreasonably failed to comply with the ACAS Code of Practice. I have decided it is appropriate for this award to be increased by 25%. This means the total amount due to be paid by the respondent to Mr Arthur is **£2,112.60**.
4. Mr Arthur is responsible for any income tax or employee national insurance contributions that may be due on the sums awarded in respect of unpaid wages.
5. As the respondent has reportedly ceased trading, it is likely Mr Arthur will face difficulty recovering this debt from the respondent. If Mr Arthur is unable to recover this debt from the respondent, he is referred to section 166(1)a Employment Rights Act 1996, which explains his right to claim part of this debt from the National Insurance Fund.

Employment Judge Howden-Evans

Date 30th August 2018

JUDGMENT SENT TO THE PARTIES ON

.....6 September 2018.....

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FOR THE TRIBUNAL OFFICE

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Interest

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).