



EMPLOYMENT TRIBUNALS PUBLIC PRELIMINARY HEARING

Claimant: Mrs K Aljoufi

Respondents: Marks & Spencer PLC

Heard at: Leeds **On:** 13 June 2018

Before:
Employment Judge JM Wade

Representation

Claimant: Miss Goodwin (counsel)
Respondent: Miss K Balmer (counsel)

JUDGMENT

1 In respect of a deductions from wages complaint that on 19 and 20 October 2015 the claimant worked (and was not on holiday) resulting in an alleged deduction from her wages in the sum of £92 (to the nearest pound), it was reasonably practicable for the complaint to have been brought by no later than two months from the provision of detailed pay and hours information to the Citizen's Advice Bureau on 1 September 2016. The claim was not presented until 31 May 2017 and is therefore dismissed because it was presented outside the relevant time limits.

2 In respect of a deductions from wages complaint that a failure to pay wages on the basis that the claimant could have been at work and earned her usual wages during the following periods, were it not for the respondent allegedly causing her ill health, these complaints are struck out as misconceived in law: 27 July 2015 to 10 September 2015; 16 November to 12 December 2015; October 2016 to February 2017; April 2017 to August 2017 (without any determination of the underlying allegations or the cause of the claimant's ill health).

3 In respect of a deductions from wages complaint that her annual leave entitlement (whether statutory or contractual) was wrongly calculated such that, on the termination of her employment on 5 September 2017 or, (by reason of the respondent's payroll dates), from payments payable on or around 10 September 2017 or 10 October 2017 there were deductions from the sums properly payable to her in respect of accrued annual leave, this complaint has little reasonable prospect of success such that a deposit should be ordered as a condition of continuing with this complaint.

4 Any other complaints of unlawful deductions from wages contained in the

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claimant's Consolidated Particulars of Claim present on 7 November 2017 are dismissed: they were not pursued before me today.

5 The amount of any deposit and the claimant's continuing constructive unfair dismissal complaint shall be the subject of separate Orders.

Employment Judge JM Wade

Date: 14 June 2018

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.