



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr B Irvine

Respondent
Ministry of Defence

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Carlisle on 17, 18 and 19 February 2020

EMPLOYMENT JUDGE Warren

Representation

Claimant: Mr Bryce, Solicitor
Respondent: Mr Wilkinson, Counsel

JUDGMENT

The judgement of the tribunal is that:-

1. The claim of unfair dismissal is not well founded and is dismissed.
2. The claim for an unlawful deduction from wages is well founded. The respondent unlawfully deducted the claimant's wages between 9 December 2017 and 23 August 2018. The respondent is ordered to pay the net wages amounting to eleven thousand and twenty six pounds and seventeen pence (£11,026.17p)
3. The claim for compensation for untaken accrued annual leave from 1 February 2018 to 23 August 2018 succeeds. The respondent is ordered to pay compensation in the net sum of nine hundred and thirty one pounds and two pence (£931.02p).

4. In summary and in total the respondent is ordered to pay the claimant the sum of eleven thousand nine hundred and fifty seven pounds and nineteen pence (£11,957.19p)

Employment Judge Warren

Signed on 20 February 2020

Oral reasons having been given at the Hearing, written reasons may be requested within 14 days

Judgment sent to Parties on

27 February 2020



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2417324/2018**

Name of case: **Mr B Irvine** v **Ministry of Defence**

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: 27 February 2020

"the calculation day" is: 28 February 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.