



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Queddeng

Respondents: Ags Construction Limited

Heard at: East London Hearing Centre

On: Friday 19 June 2019

Before: Employment Judge Allen QC (sitting alone)

Appearances

For the claimant: In person

For the respondent: Did not attend

This has been a remote telephone hearing, the form of which was not objected to by the parties. The form of remote hearing was A: audio - fully (all remote). A face to face hearing was not held because it was not practicable and no-one requested the same and all issues could be determined in a remote hearing. The documents that I was referred to are in the tribunal file, which I had before me.

JUDGMENT

- 1. Upon the Respondent having paid £1,970.68 to this Claimant this morning (19 June 2020), which the Claimant has accepted as his net pay for the month of October 2019, the Claimant's claim is dismissed.**

REASONS

1. By ET1 Claim Form presented on 22 January 2020, the Claimant, a plumbing and heating engineer, brought a claim for unlawful deduction from wages for his pay for October 2019 (gross £2,750), his last month of employment with the

Respondent. The Claimant did also tick the box for unfair dismissal but he does not have unfair dismissal rights, given that his current period of employment with the Respondent started in 20 February 2019 and therefore he lacked the 2 years of necessary continuous qualifying service. He made it clear today that the only claim that he was bringing before the tribunal was for his pay for October 2019.

2. By notice dated 28 January 2020, the matter was originally listed for a final hearing today. This was converted to a telephone hearing because of the Covid – 19 pandemic and the parties were informed of this by notice dated 17 June 2020. On 18 June 2020, the Respondent indicated that they would be unable to take part in the hearing because the time was not suitable. On 19 June 2020, the Tribunal responded to the Respondent that the hearing would go ahead, given that it was the same start time as the original listing. The Claimant attended the telephone hearing at 10am this morning and the Respondent did not attend.
3. However, the Respondent did email the Tribunal at 10am this morning to state that it had paid the Claimant £1,970.68 today and attaching a print out from a Lloyds bank account to this effect. I informed the Claimant of this news and he was able to check his bank account online and he confirmed that this payment had been made.
4. The Claimant had made a calculation of the net amount due to him if a gross amount of £2,750 was paid. His calculation was slightly more than £1,970.68 but he decided that given that the Respondent had made a payment which largely reflected the amount that he felt was due to him, he would not pursue the matter any further.
5. On that basis, I dismissed the claim upon the Respondent having made the payment detailed above.

Employment Judge Allen QC
Date: 22 June 2020