



EMPLOYMENT TRIBUNALS

Claimant: Mr Darren Connop

Respondent: Halesowen ARC (In Voluntary Liquidation)

Heard at: Birmingham ET (via CVP)
Before: Employment Judge Boyle

On: 16 March 2022

Representation

Claimant: In person
Respondent: Not represented

JUDGMENT

1. The Claim was accepted on 16 March 2021. The Claimant's employment terminated on 30 September 2020. The Claim was not presented in time.
2. Having taken evidence from the Claimant, I have decided that it was not reasonably practicable for the Claimant to have presented his claim his time due to a misunderstanding (which was reasonably held) that he had already presented his claim in time. Further, I find that the Claimant acted within a reasonable time to present his claim.
3. Therefore, the tribunal has jurisdiction to hear the Claimant's claims of unauthorised deductions from wages in relation to unpaid wages and annual leave.
4. The respondent made unauthorised deductions from wages by failing to pay the claimant the full amount of wages due between 14 – 30 September 2020 and is ordered to pay to the claimant the sum of £1560 being the total gross sum deducted. This is calculated on the basis that the claimant is owed 13 days pay at a daily rate of £120.
5. The respondent made an unauthorised deduction from wages by failing to pay the claimant in lieu of accrued but untaken annual leave on termination of employment and is ordered to pay to the claimant the sum of £2562 being the gross sum due. This is based on the claimant being entitled to 27.1 days holiday in his year of employment with the respondent and his having taken

5 days holiday during that period.

6. The respondent is ordered to pay to the claimant additional compensation of £1,200 pursuant to section 38 Employment Act 2002 for failure to provide the claimant with a written statement of employment particulars.

Employment Judge Boyle

16 March 2022

Notes

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

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.