



EMPLOYMENT TRIBUNALS

Claimant: Mr P Dwan

Respondent: Total Lift Care Limited

Heard at: Liverpool by CVP **On:** 10 October 2022

Before: Employment Judge Benson

Representation

Claimant: in person

Respondent: Ms Curnow – Advocate – Peninsula Legal Services

JUDGMENT

1. The respondent has made an unauthorised deduction from the claimant's wages in the gross sum of £500 in respect of commission due to the claimant during 2021.
2. The claimant's employment terminated by reason of his resignation on 20 February 2022. The respondent has made an unauthorised deduction from the claimant's wages in the gross sum of £2379.99 in respect of his salary for the period 1 to 20 February 2022.
3. The respondent has made an unauthorised deduction from the claimant's wages in the gross sum of £400 in respect of damage to a company car in the possession of the claimant.
4. The remaining claims of unauthorised deductions from pay fail and are dismissed.
5. The respondent has already paid the gross sum of £3,333.33 to the claimant and pursuant to section 25(3) of the Employment Rights Act 1996, no order is made for the respondent to pay any further sum.

Employment Judge Benson

Date: 11 October 2022

JUDGMENT SENT TO THE PARTIES ON
14 October 2022
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2403923/2022**

Name of case: **Mr P Dwan** v **Total Lift Care Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 14 October 2022

the calculation day in this case is: 15 October 2022

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.