



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Brooks

**Respondent:** Megan Rose Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent made an unlawful deduction from the claimant's wages pursuant to Part II of the Employment Rights Act 1996. The respondent is ordered to pay £1,730.77 (gross) to the claimant in respect of the unlawful deduction.
2. The claimant was dismissed in breach of contract. The respondent is ordered to pay £692.31 (gross) as damages to the claimant.
3. The respondent has failed to compensate the claimant in relation to the claimant's entitlement to holiday leave that had accrued as at the termination of the claimant's employment. The respondent is ordered to pay £173.07 (gross) to the claimant in respect of the accrued leave entitlement.
4. The hearing listed on **24 January 2023** is vacated.

## REASONS

1. This claim was issued in the Midlands (West) Employment Tribunals on 4 July 2022 and was sent to the respondent, to its registered office address, on 7 July 2022.
2. The respondent has failed to present a valid response in time.
3. I have decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure.
4. Based on the papers before me the claimant's claim is limited to
  - a. a claim for wages the period from the start of employment (4 April 2022) to when he received notification it ended (10 May 2022) – 5 weeks
  - b. his contractual two-week notice
  - c. holiday entitlement accrued.
5. The claimant has not identified any holidays taken. I calculate for the 5 weeks he worked he was therefore entitled to 2.5 days (0.5 weeks) holiday.

6. Given his pay was £1,500.00 gross per month this would equate to a gross weekly pay of £346.18 ( $£1500.00 \times 12 / 52$ ).
7. The claimant is not entitled to a redundancy payment because he did not have qualifying service.
8. I have not made an award in relation to duplicate complaints which would give rise to double compensation.
9. The total award therefore equates to £2,596.15.

**Employment Judge Perry**

Date: 19 January 2023