



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Mr R Sek

Med Fish Distribution Ltd (in liquidation)

RULE 21 JUDGMENT

- (1) The Claimant's unfair dismissal claim is dismissed as he does not have two years' service as required by s 108 Employment Rights Act 1996 (ERA 1996).
- (2) The Claimant's claim for unlawful deduction from wages under s 27 ERA 1996 succeeds. The Respondent must pay to the Claimant four months' wages in the sum of £3,414.16 gross, and account to HMRC for any tax and National Insurance due. For the avoidance of doubt, the payment of the net sum to the Claimant will constitute satisfaction of this judgment.
- (3) The Claimant's claim for holiday pay is dismissed.

REASONS

The Respondent did not submit an ET3 response in this claim. According to Companies House, and the Gazette, it remains in creditors voluntary liquidation.

The Claimant's claim lacked particulars. By an order dated 26 November 2021, the Claimant was required to provide by 10 December 2021 further information about his claim, including his contract, payslips, documentation regarding dismissal and a statement of the sums claimed in the proceedings.

By further Order of 5 October 2022, it was pointed out to the Claimant that he had failed to comply with the previous Order.

The Claimant by email of 19 December 2022 stated that he had not received 4 months salary and holiday pay.

An Unless Order was made on 9 January 2023 requiring the Claimant to comply with the Order of 26 November 2021 or his claim be struck out.

The Claimant by email of 9 January 2023 then provided his contract of employment, P45 and three months' wage slips. Those documents, together with the previous email of 19 December 2022, constituted compliance with the Unless Order.

Unfortunately, there was a further delay as the email of 9 January 2023 was not referred to me until 13 March 2023. Having now considered all the documents, I am satisfied that it is appropriate to give judgment for the Claimant in the amount of four months' wages, being the wages he claims in respect of the last four months of his employment before he was given notice of dismissal.

The Claimant failed to state what he was claiming by way of holiday pay so that claim is dismissed.

Employment Judge Stout

13 March 2023

JUDGMENT SENT TO THE PARTIES ON

14/03/2023

FOR THE TRIBUNAL OFFICE