



EMPLOYMENT TRIBUNALS

Claimant: Mr M Sutton

Respondent: Mark Bentley & Sarah Bentley T/A Mark Bentley Haulage

HELD AT: Manchester

ON:

17 January 2023

BEFORE: Employment Judge Poynton (sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: In person

JUDGMENT

1. Mark Bentley & Sarah Bentley T/A Mark Bentley Haulage is added as a Respondent and substitutes the originally named Respondent (Mark G Bentley) under rule 34 of the Employment Tribunals Rules of Procedure 2013. This is because Mrs Bentley identified the substituted name as the correct title for the business. The substituted Respondent has been aware of the ongoing proceedings as they are the individual that was originally named as the Respondent and his business partner, Mrs Bentley, who was present at the hearing.
2. The claimant's claim for unpaid wages in respect of working a week in hand is well founded. The claimant is due a week's pay due to working a week in hand for the period 1/6/2021-4/6/2021. The respondent made an unauthorised deduction from wages for failing to pay the claimant the week in hand owed on termination of employment and is ordered to pay the claimant the sum of **£750**.
3. The claimant's claim for breach of contract for unpaid parking fines and truck stop payments is not well founded and is dismissed.
4. The claimant's claim for unauthorised deductions in respect of diesel is well founded and the respondent is ordered to pay the claimant the sum of **£110**.
5. The claimant's claim for holiday pay is well founded. The respondent made an unauthorised deduction from wages for failing to pay the claimant in lieu of accrued but untaken annual leave on termination of employment and is ordered to pay the claimant the sum of **£600**. This comprises reimbursement of the deduction of £150 from the final salary and £450 in respect of accrued but untaken annual leave.

6. The total sum payable to the claimant is therefore **£1,460**. This is a gross payment and the respondent is to deduct income tax and national insurance contributions properly payable in respect of such sum before making payment to the claimant and is to pay over such sums deducted to the appropriate authorities.

Employment Judge Poynton

17 January 2023

JUDGMENT SENT TO THE PARTIES ON

26 January 2023

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2415045/2021**

Name of case: **Mr M Sutton** v **Mark Bentley & Sarah Bentley T/A Mark Bentley Haulage**

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: 26 January 2023

the calculation day in this case is: 27 January 2023

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

For the Employment Tribunal Office