



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A. Black  
**Respondent:** Birubi Ltd  
**Heard at:** East London Hearing Centre (by CVP)  
**On:** 12 April 2023  
**Before:** Employment Judge Massarella

## Representation

**Claimant:** In person  
**Respondent:** Ms S. Hilleary (Director of the Respondent)

# JUDGMENT

Upon the debarred Respondent applying to participate in proceedings, and upon the Tribunal determining that it was not in the interests of justice to permit this, the judgment of the Tribunal on liability is that:-

1. the Claimant was constructively dismissed;
2. the dismissal was automatically unfair because the principal reason for it was that he asserted his statutory rights not to have unauthorised deductions made from his wages and to be provided with itemised pay statements;
3. the Respondent was in breach of its duty to provide full and accurate written particulars;
4. the Respondent made unauthorised deductions from the Claimant's wages by failing to pay him in respect of June 2022;
5. the Respondent failed on the termination of employment to make payments to the Claimant in respect of accrued, but untaken, holiday.

The judgment on remedy is that:-

6. in relation to the unfair dismissal claim, the Claimant is entitled to a compensatory award of £3,714 which the Respondent shall pay to him in full, without deductions, save for any sums which will be recouped

by the Secretary of State in respect of Jobseekers Allowance (see the annexe to this judgment);

7. in relation to the failure to provide written particulars the Respondent shall pay to the Claimant £566 without deductions;
8. as for the unauthorised deductions claim, the Claimant is awarded the gross sum of £1,003.13 from which the Respondent shall deduct and pay National Insurance (at £23.87), giving a net sum payable to the Claimant of £979.26;
9. in respect of unpaid holiday pay, the Respondent shall pay to the Claimant, without deductions, the sum of £806.40;
10. no ACAS uplift is awarded.

Employment Judge Massarella  
Date: 12 April 2023

### **ANNEX TO THE JUDGMENT (MONETARY AWARDS)**

#### **Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance and Income Support**

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4 and SI 2010 No 2429 Reg 5.

- (a) Monetary award: £3,714 (the total of the basic and compensatory awards, including any ACAS uplift).
- (b) Prescribed element: £3,714 (the amount of lost earnings suffered by the Claimant in the prescribed period).
- (c) Period to which (b) relates: 29 June to 30 September 2022 (the period of loss for which the Claimant is being compensated).
- (d) Excess of (a) over (b): £0.