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THE EMPLOYMENT TRIBUNALS

Claimant: Mr J Appleby
Respondent: Prospect Consultants Limited
Heard at: East London Hearing Centre
On: 14 May 2018
Before: Employment Judge Jones

Representation

Claimant: Ms Tracey Lambert, Lay Rep
Respondent: Mr Davis, Majority shareholder

REMEDY JUDGMENT

The Respondent is ordered to pay the Claimant the sum of £34,310 as unpaid wages.

REMEDY HEARING

1. The Claimant was employed by the Respondent from 1 October 2016 until he left in January 2018. The Claimant's last date of employment was 28 February 2018. The Claimant's salary was £24,000 per annum. During his employment, the Claimant was paid sporadically and in differing amounts, some money was paid directly into his bank account and some by way of payslips. The Claimant received a total of £5770 from the Respondent during his employment.
2. The Claimant brought a complaint to the Employment Tribunal on 2 February 2018 for unpaid wages. By its Response, completed by Mr Davis and filed at the Employment Tribunal on 15 March 2018, the Respondent did not dispute that wages were owed to the Claimant and Employment Judge Warren issued a Judgment on 17 April 2018 that the Claimant's claim for unpaid wages succeeded.

3. Today's Hearing was to determine the remedy due to the Claimant.

4. In the interim, the Respondent has applied to Companies House to be struck off. At present, the Companies House information states that the company's status is "active-active proposal to strike off". The Claimant was also advised by the Employment Tribunal on 2 May 2018, to write to the registrar at Companies House to ask for the Respondent to be kept on the register pending resolution of this claim and the Claimant has now done so. He has not had a written response from Companies House.

5. Mr Davis informed the Tribunal today that the company has ceased trading. It is not yet in liquidation.

6. The Claimant produced copies of his payslips and a signed witness statement setting out his claim. The Claimant also had his bank statements with him today to show payments that he had received from the Respondent. The Tribunal adjourned to give Mr Davis an opportunity to check the Claimant's schedule of loss, the figures, the bank statements and his own records.

Findings of Fact

7. The Claimant's Schedule of Loss was comprised of the following elements:

8. The Claimant was employed for 28 months from September 2015. Initially he earned approximately £12,000pa, then approximately £18,000pa and then in October 2016 he completed his apprenticeship and was put on a salary of £24,000pa.

9. The earnings due to the Claimant during the first 3 months of his employment (£12,000pa) = 3 months at the rate of £960.00 net = 3 x £960 = £2880.00. He was then paid £1284.00 per month net on a salary of £18,000. 10 x £1284.00 = £12,840.00 and for 15 months at a salary of £24,000 he was due a salary at the rate of £1624.00 = 15 x £1624 = £24,360.00.

10. The total income the Claimant expected to receive during his employment was £2880 + £12840 + £24,360 = £40,080.00. The Claimant actually received a total of £5770.00. The amount which is outstanding is therefore £40,080.00 - £5770 = £34,310.00.

11. The Respondent did not dispute the amounts claimed by the Claimant or the amount that the Claimant stated that he had received in wages to date.

Judgment

12. The Respondent is therefore ordered to pay the Claimant the sum of £34,310 as unpaid wages.

Employment Judge Jones

21 May 2018

NOTES: (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.

(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.

(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.