



THE EMPLOYMENT TRIBUNALS

Claimant: Miss C Parnell

Respondent: Lyndon Dykes Limited

Heard at: Teesside Hearing Centre **On:** Monday 11th February 2019

Before: Employment Judge Martin

Members:

Representation:

Claimant: In Person

Respondent: Mr M Hodgson (Operations Director for Respondent Company)

JUDGMENT

The claimant's complaint of unlawful deduction from wages is well-founded. The respondent is ordered to pay the claimant the gross sum of £1377.08 net of income tax and NI.

REASONS

1. During the course of the hearing the respondent indicated that there had been problems with their payroll and their calculations for the claimant's wages. The respondent indicated that the gross sum due to the claimant for outstanding wages was £1557.08. This included hours which were underpaid and overpaid. The claimant accepted that figure.
2. Further, during the course of the hearing the respondent agreed that they would not pursue certain deductions be made from the claimant's wages. These included overpaid holidays, training fees, and losses relating to media advertisements allegedly taken out without authority.
3. The claimant had indicated during the course of her evidence that she had returned the mobile telephone and charger. However after further enquiries were

made by the respondents during the course of the hearing, it transpired that neither had apparently been returned. The respondent agreed that it would not pursue deductions from the claimant's wages for the charger. The claimant agreed that a deduction could be made from her outstanding wages for the mobile telephone.

- 4 Accordingly, the respondent acknowledged that outstanding wages were due to the claimant in the sum of £1557.08, less a deduction from the claimant's outstanding wages for the mobile telephone in the sum of £180.00. The claimant agreed that sum could be deducted from her outstanding wages under the terms of her contract of employment. The claimant agreed to accept that sum of £1377.08 as her outstanding wages.

EMPLOYMENT JUDGE MARTIN

JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 5 MARCH 2019

Public access to employment tribunal decisions

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

Tribunal case number(s): **2503413/2018**

Name of case(s): **Miss C Parnell** v **Lyndon-Dykes Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **5 March 2019**

"the calculation day" is: **6 March 2019**

"the stipulated rate of interest" is: **8%**

MISS K FEATHERSTONE
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.