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# EMPLOYMENT TRIBUNALS

**Claimant:** Miss H Naluyima

**Respondent:** Inclusive Care Support Limited

**Heard at:** East London Hearing Centre

**On:** Monday 13 January 2020

**Before:** Employment Judge Ross

**Representation**

**Claimant:** In person

**Respondent:** Mr K Sonaika (Counsel)

## JUDGMENT

**The judgment of the Employment Tribunal is that the Claim is dismissed.**

### REASONS

- 1 The complaint for unlawful deduction from wages under section 13 Employment Rights Act 1996 is not upheld. My reasons are as follows.
- 2 I heard oral evidence from the Claimant and received a bundle of documents which had also been sent to the Claimant. From pages 54 to 57 of that bundle, there were pay slips setting out various sums paid to the Claimant. In evidence, the Claimant accepted that she had been paid all the sums set out in the payslips although she denied ever receiving the payslips. In evidence, she accepted that she had been paid all that she had been entitled to have been paid for work for the Respondent. The Claimant checked the sums set out in the payslips against the bank statements which she has on her phone during the course of an adjournment today.

- 3 I have some sympathy for the Claimant's position. Her complaint was that she had been reported to the HMRC by the Respondent on the basis that she was still earning money on 30 May 2019. However, it was common ground that she had ceased work for the Respondent on or about 15 March 2019. The HMRC appeared to have misunderstood the real position; they thought that she had continued to work for the Respondent because the final payslip is dated 31 May 2019: see page 57b of the bundle. However, the work that is recorded as being paid in that payslip related to work done earlier in time, and indeed as far back (in respect of a portion of it) as January and February 2019.
- 4 In any event, for all the reasons set out above, the claim is dismissed.

Employment Judge Ross

17 January 2020