



EMPLOYMENT TRIBUNALS

Claimant
MR OZHUN HARC

Respondent
NASA FOOD SERVICES LIMITED

v

Heard at: Cambridge

On: 9th June 2022 (via CVP)

Before: Employment Judge Bloom

Appearances

For the Claimant: In Person

For the Respondent: Mr S Sozumert, Manager

JUDGMENT

1. The Claimant's Claim for Unlawful Deduction of Wages succeeds. The Respondent is ordered to pay to the Claimant the sum of £4,416.42 less any lawful deductions for tax and national insurance contributions.

REASONS

1. The Claimant was employed by the Respondent between 1st March 2019 and the date of his resignation on 13th June 2020. The Claimant brought a Claim to the Employment Tribunal stating that he was owed holiday pay and unlawful deductions in respect of his salary due for April and May 2020. He also claimed there had been an unlawful deduction in respect of exchanging the currency rate from US dollars to sterling in respect of his salary but I determined that that was not something the Tribunal could effectively look at and the amounts were so small as to effectively be rather meaningless in all the circumstances. The Claimant also alleged that HMRC had submitted an additional tax payment to him. I informed the Claimant that that was a matter he should take up with HMRC and was not something involving the Employment Tribunal's jurisdiction. I limited therefore the case to a Claim brought by the Claimant for 33 days holiday pay and the unlawful deduction of wages in April and May 2020.

2. I heard evidence on affirmation from the Claimant. Despite giving Mr Sozumert the opportunity of giving evidence or calling any other witness, he declined to do so. On the balance of probabilities therefore I accept the evidence given by the Claimant.
3. The Claimant was paid the total sum of £2,031.73 per month. For the period March 2019 until June 2020 the Claimant was entitled to 43 days holiday. The Claimant took 10 days (6th April – 10th April 2020 and 20th May – 24th May 2019). At the time his employment was terminated he was owed 33 days holiday pay. He worked 6 days a week. I calculate that the daily rate of pay is in the sum of £78.12 per day. 33 days holiday at the daily rate amounts to a sum due of £2,577.96.
4. The Claimant suffered a shortfall representing 40% of his salary in April 2020 and a further shortfall of 80% in May 2020. He did not consent to any such deduction. The deductions represent unlawful deductions of wages. The sum due to him in April 2020 was unlawfully reduced by the sum of £831.73. The unlawful deduction in May 2020 was in the sum of £1,006.73.
5. The three sums owed by the Respondent to the Claimant amount to holiday pay of £2,577.96; unlawful deduction of wages in April 2020 of £831.73; and unlawful deduction of wages in May 2020 in the sum of £1,006.73. That results in a total payment due by the Respondent to the Claimant in the sum of £4,416.42. That sum is subject to any lawful deductions for tax and/or national insurance contributions. The Respondent is ordered to pay to the Claimant that sum.

Employment Judge Bloom

Date: 10 October 2022

Sent to the parties on:

10 October 2022

For the Tribunal Office