



EMPLOYMENT TRIBUNALS

Claimant: Ms O Babatunde

Respondent: ACAS

JUDGMENT

- 1) The claim for an unauthorised deduction of wages is struck out for the reasons set out below.

REASONS

- 1.1 At the case management hearing before EJ Nicolle on 24 March 2023 the Claimant confirmed that the sum of £462.20, for which she originally claimed had been deducted from her wages, had been reimbursed by the Respondent in May 2022. She further confirmed that there were therefore no outstanding sums which she contended had been deducted from her wages but rather she was concerned that the Respondent's application of its sick pay policy meant that she was at risk of not receiving the same entitlement to sick pay in the event of any future periods of sickness absence within the next 4 years. I explained to the Claimant that this would not appear to provide any scope for a claim being pursued for an unauthorised deduction from wages and therefore that unless the Claimant is able to provide reasons as to why the claim should continue that it would be struck out.
- 1.2 The Claimant was ordered to provide reasons by 4 PM on 6 April 2023 as to why her claim for an unauthorised deduction from wages pursuant to S 13 of the Employment Rights Act 1996 should not be struck out under Rule 37 (1) (a) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 on the basis that it has no reasonable prospect of success.

- 1.3 Absent any reasons been provided by the Claimant as to why this claim should continue it is struck out as having no reasonable prospect of success.
- 1.4 For the avoidance of doubt all remaining elements of the claim continue.

Employment Judge Nicolle

Dated 26 May 2023

JUDGMENT SENT TO THE PARTIES ON

26/05/2023

FOR THE TRIBUNAL OFFICE