



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Young

**Respondent:** Rutherford Vending Ltd

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The claims were presented in Leeds Employment Tribunal on 15 June 2024 and 20 June 2024. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.

1. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant the gross amount of **£3,603.60**.

### REASONS

The claimant says that he was dismissed by text on 28 May 2024 and that he had not been paid since March 2024. He is therefore entitled to wages for the period until his dismissal (8 weeks and 2 days at £429 per week). He has not brought an unfair dismissal claim and is not entitled to compensated for lost earnings following his dismissal, save in respect of notice pay.

2. The claimant was dismissed in breach of contract in respect of notice pay. His statutory notice entitlement is 12 weeks. He cannot also claim one month's contractual notice pay. The respondent must therefore pay damages to the claimant for the gross amount of **£5,148**.
3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£12,870**.
4. The respondent has failed to pay the claimant's holiday entitlement. The amount payable will be determined once the claimant has provided further information.
5. The respondent breached an implied term of the claimant's contract by deducting employees' pension contributions from his wages but not paying them into his pension. The period of the deductions is 9 months from June 2023 to March 2024, when the respondent stopped paying the claimant's wages. The respondent is ordered to pay the claimant the gross amount of **£742.14**.

**Employment Judge Davies**  
**22 November 2024**