



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Leyton Bendle

**Respondent:** JD Fitness Group t/a Anytime Fitness

**Heard at:** ET Reading by video

**On:** 29 October 2024

**Before:** Employment Judge N Webb

## Representation

For the Claimant: Mr K Garside (The Claimant's father)

For the Respondent: No appearance

# JUDGMENT

1. The Respondent was aware of the hearing following a notice sent on 14 September 2024. It was in the interests of justice to continue with the hearing in the absence of the Respondent as they had not provided a response to the claim or made an application to participate in the proceedings.
2. The Respondent made an unlawful deduction from the claimant's wages.
3. The Respondent wrongfully dismissed the claimant because the notice period was not paid.
4. The Respondent did not pay the claimant for annual leave accrued but not taken at date of his dismissal.
5. The Respondent had not provided the Claimant with a copy of his particulars of employment by the date the claims were submitted to the Tribunal.
6. I make the following awards:

### Unlawful deduction from wages

- Wages for May 2023 including contractual commission = **£1916.66** gross

### Wrongful dismissal

- Payment for notice period (1 week) = **£384.61** gross

### Holiday pay

- 8.5 days = **£653.82** gross

Award under section 38 Employment Act 2002

- 4 weeks = **£1538.44** gross
7. The respondent is ordered to pay the claimant **£4493.53** gross.
  8. The respondent is responsible for paying tax and National Insurance contributions in respect of the awards.

Employment Judge N Webb

Date: 29 October 2024

JUDGMENT SENT TO THE PARTIES ON  
7 December 2024

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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