



## EMPLOYMENT TRIBUNAL

**Claimant:** Mr D Grigaitis  
**Respondent:** Kingdom Plant Ltd

**Heard at:** Hull

**On:** 21 July 2017

**Before:**  
Employment Judge JM Wade

### Representation

Claimant: In Person  
Respondent: No attendance

**THE TIME** for presenting a response having expired, no valid response having been presented, the respondent having confirmed that it did not seek an extension of time to enter a response, and on the basis of the information before the Employment Judge.

## DEFAULT JUDGMENT

1. The claimant complaints of deductions from wages, breach of contract and a failure to provide itemised pay statements are well founded and succeed.

2. In respect of the successful claims the respondent shall pay to the claimant the sum of **£3000** calculated as follows:

6 to 11 March 2017: £630 calculated at £105 per day (unlawful deductions from wages)

13 to 17 March 2017: £ 525 (damages in respect of the second week of notice);

Subsistence allowance in respect of three "nights out": £60

Three weeks' pay in hand (unlawful deductions from wages): £1575

Regulation 14 holiday pay (14/52 x 28 – Christmas holidays taken): two days £210.

The awards above are gross and the claimant shall be responsible for any income tax and employee's national insurance relating to them.

3. The respondent shall further reimburse the sum of £390 to the claimant in respect of his Tribunal fees.

4. Pursuant to the Employment Tribunals Act 1996 Section 12A I further order the respondent to pay to the Secretary of State a financial penalty of £1500 as I am of the opinion that the above breaches of the Employment Rights Act 1996 have aggravating features, namely that the claimant repeatedly asked for his payslips, and there appears to be no apparent reason for not providing them save that it would have enabled him to calculate wages owing on the termination of his employment.

Further I was told today that the respondent has faced a similar claim in the Employment Tribunal, has made payment upon receipt of a judgment, and chose to deploy the truck previously driven by the claimant in these proceedings thereby retaining his possessions; and further failed to cooperate with police attempts to resolve the dispute concerning their respective items between the parties.

Further, the respondent's Ms Corridan has suggested her non-attendance today was connected with her fear of the claimant, whereas I have had the claimant before me for the best part of hour today without any difficulty and I consider her implication to be a device to excuse the respondent's failings in relation to pay and other matters.

I have taken into account the respondent's means to pay: the respondent is registered as an active company with the Registrar of companies, has paid awards in the past, and has recently paid an invoice in respect of work carried out on its vehicle (on the basis of information provided by the respondent).

Employment Judge JM Wade

Dated: 21 July 2017