



EMPLOYMENT TRIBUNALS

Claimant: Mr D F Brett

Respondent: (1) Miss L Croy
(2) Mr K Penman
(3) Boathouse Sunderland Limited

Heard at: North Shields **On:** 22 May 2017

Before: Employment Judge Johnson (sitting alone)

Representation:

Claimant: In person
First Respondent: No appearance
Second Respondent: No appearance
Third Respondent: No appearance

JUDGMENT

- 1 The claimant's complaints against the first and second respondents are dismissed upon withdrawal by the claimant.
- 2 The claimant's complaint against the third respondent, Boathouse Sunderland Limited, of unauthorised deduction from wages, is well-founded and succeeds. The third respondent is ordered to pay to the claimant the sum of £1,284.78 in respect of wages unlawfully deducted. That sum is to be paid gross and the claimant shall be responsible for the payment of any income tax or national insurance contributions thereon.

REASONS

- 1 The claimant attended in person and gave evidence under oath. There was no attendance and no appearance by or on behalf of the first, second or third respondents. The Tribunal was satisfied that all three respondents had been properly served with the relevant papers in this case and that all were fully aware of today's hearing.
- 2 Mr Brett gave evidence under oath and confirmed to me that he had been employed by the third respondent, Boathouse Sunderland Limited, from 26

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October 2016 until 18 November 2016 as a Bar Manager at “Cargo Sunderland”. His salary was £20,000 per annum. He was required to work a 44 hour week. The claimant received no wages at all from the third respondent during the period of time he was employed. The claimant described to me the shambolic arrangements within the organisation, with a number of other employees complaining that they had not been paid their wages. There were occasions when suppliers had called at the premises to attempt to recover goods they had supplied but in respect of which they had not been paid.

- 3 The claimant accepted that he had not been personally employed by either Lindsey Croy or Kevin Penman and that he had been an employee of the limited company Boathouse Sunderland Limited.
- 4 The claimant provided me with document C1 from HMRC confirming that their records show that he was employed by the third respondent. The claimant also provided me with document C2 which showed the number of hours he had worked and the sums to which he was entitled, which total £1,284.78.
- 5 The claimant agreed to withdraw his claims against Lindsey Croy and Kevin Penman. I am satisfied that the third respondent Boathouse Sunderland Limited has made an unlawful deduction from the claimant’s wages in the sum of £1,284.78.

Employment Judge Johnson

Date 26 May 2017

JUDGMENT SENT TO THE PARTIES ON

31 May 2017

**G Palmer
FOR THE TRIBUNAL**