



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs L A Smith

v

Jason W Nicholson Solicitors

Mr M Smith (deceased)

Heard at: Hull

On: 30 October 2019

Before: Employment Judge Lancaster

Representation:

Claimant: Mrs L A Smith in person

Respondent: Mr J W Nicholson in person

JUDGMENT

1. Where the claimant is deceased, the Tribunal has no jurisdiction to hear any complaint under Parts I & II of the Employment Rights Act 1996 save in respect of a failure to provide itemised wage slips.
2. It is declared in respect of both claimants that the respondent has failed to provide any itemised pay slips.
3. The first claimant's application for a reference under section 11 of the Employment Rights Act 1996 in respect of her written terms and conditions is dismissed.
4. The first claimant's claim for unauthorised deductions from wages is dismissed.
5. The second claimant's claims for breach of contract succeed in part and the respondent is ordered to pay to his estate the sums of £321.45 and £1,036.78 in respect of outstanding mileage expenses and £910.67 gross in respect of overtime payments outstanding and arising upon the termination of the contract.
6. All other claims for breach of contract brought on behalf of the second claimant are dismissed.
7. It would in all the circumstances be inequitable to award an uplift on those awards to the second claimant's estate under section 38 of the Employment Act 2002.

Case Number: 1800588/2019
1800589/2019

Employment Judge Lancaster

Date 1 November 2019