



# EMPLOYMENT TRIBUNALS

BETWEEN

AND

**Claimant**  
**Miss K Minshall**  
**& Others**

**Respondent**  
**Fuse Assurance**  
**Solutions Limited**

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham **ON** 15 January 2021

**EMPLOYMENT JUDGE GASKELL**

### Representation

**For the Claimant:** Written Representations (Paper Hearing)  
**For Respondent:** No Attendance (Paper Hearing)

## JUDGMENT

**The judgment of the Tribunal is that:**

1. Awards are made to individual claimants as follows:-

<b>1.1</b>	<b>1306260/2019</b>	<b>Miss K Minshall</b>	
	Unpaid Wages		£1320(net)
	Unpaid Notice Pay		£ 330(net)
	Unpaid Holiday Pay		£ 440(net)
	<b>Total</b>		<b>£2090(net)</b>
<b>1.2</b>	<b>1306261/2019</b>	<b>Miss J Merrit</b>	
	Unpaid Wages		£2548(net)
	Unpaid Notice Pay		£ 588(net)
	Unpaid Holiday Pay		£ 470.40(net)
	<b>Total</b>		<b>£3606.40(net)</b>
<b>1.3</b>	<b>1306262/2019</b>	<b>Miss MP Davies</b>	
	Unpaid Wages		£1320(net)
	Unpaid Notice Pay		£ 330(net)
	Unpaid Holiday Pay		£ 440(net)
	<b>Total</b>		<b>£2090(net)</b>

1.4	<b>1306263/2019</b>	<b>Miss C Clarke</b>	
	Unpaid Wages		£1050(net)
	Unpaid Notice Pay		£1000(net)
	Unpaid Holiday Pay		£ 500(net)
	<b>Total</b>		<b>£2550(net)</b>
1.5	<b>1306264/2019</b>	<b>Mr D Gracey</b>	
	Unpaid Wages		£1250(net)
	Unpaid Commission		£ 450(net)
	Unpaid Notice Pay		£ 269.23(net)
	Unpaid Holiday Pay		£ 268.15(net)
	<b>Total</b>		<b>£2211.54(net)</b>
1.6	<b>1306265/2019</b>	<b>Mr T Daniels</b>	
	Unpaid wages		£1416(net)
	Unpaid Notice Pay		£ 354(net)
	<b>Total</b>		<b>£1770(net)</b>
1.7	<b>1306267/2019</b>	<b>Miss C Charlesworth</b>	
	Unpaid Wages		£1112.40(net)
	Unpaid Notice Pay		£ 253.50(net)
	Unpaid Holiday Pay		£ 101.40(net)
	<b>Total</b>		<b>£1467.30(net)</b>
1.8	<b>1306268/2019</b>	<b>Mr J Sims</b>	
	Unpaid Wages		£1872(net)
	Unpaid Notice Pay		£ 432(net)
	Unpaid Holiday Pay		£ 86.40(net)
	<b>Total</b>		<b>£2390.40(net)</b>
1.9	<b>1306269/2019</b>	<b>Mr GP Mitchell</b>	
	Unpaid Wages		£1258.14(net)
	Unpaid Commission		£1200(net)
	Unpaid Notice Pay		£ 314.54(net)
	Unpaid Holiday Pay		£ 817.70(net)
	<b>Total</b>		<b>£3590.38(net)</b>
1.10	<b>1306270/2019</b>	<b>Mrs R Sahebirashti</b>	
	Unpaid Wages		£1321.70(net)
	Unpaid Notice		£ 305(net)
	Unpaid Holiday Pay		£ 305(net)
	<b>Total</b>		<b>£1931.70(net)</b>

<b>1.11 1306271/2019</b>	<b>Mr D Garner</b>	
Unpaid Wages		£1371.61(net)
Unpaid Commission		£1500(net)
Unpaid Notice		£ 316.53(net)
Unpaid Holiday Pay		£ 63.31(net)
<b>Total</b>		<b>£3251.45(net)</b>

<b>1.12 1306272/2019</b>	<b>Miss A McVeigh</b>	
Unpaid Wages		£1371(net)
Unpaid Commission		£ 92(net)
Unpaid Notice		£ 316.46(net)
Unpaid Holiday Pay		£ 316.46(net)
<b>Total</b>		<b>£2095.92(net)</b>

<b>1.13 1306274/2019</b>	<b>Mr M Cook</b>	
Unpaid Wages		£1300(net)
Unpaid Notice		£ 325(net)
Unpaid Holiday Pay		£ 500(net)
<b>Total</b>		<b>£2125(net)</b>

<b>1.14 1306275/2019</b>	<b>Miss G Cunningham-Oakes</b>	
Unpaid Wages		£1416.66(net)
Unpaid Commission		£ 800(net)
Unpaid Notice		£ 354.16(net)
Unpaid Holiday Pay		£ 106.25(net)
<b>Total</b>		<b>£2677.07(net)</b>

<b>1.15 1306276/2019</b>	<b>Mr M Drape</b>	
Unpaid Wages		£1833.33(net)
Unpaid Notice		£ 423.07(net)
Unpaid Holiday Pay		£ 338.46(net)
<b>Total</b>		<b>£2594.86(net)</b>

2 The sums awarded at Paragraph 1 above have been calculated net of income tax and national insurance contributions on the basis that upon payment thereof the respondent will make an appropriate and corresponding payment to HMRC.

3 Claims by **Miss K Minshall** recorded under **Claim Number 1306273/2019** and **Claim Number 1300050/2020** are dismissed as duplicate claims to that pursued in **Claim Number 1306260/2019** above.

4 The claims of **Mr Anil Patel (1306266/2019)** and **Mr Steven Straughan (1300049/2020)** are adjourned to a date to be fixed and notified to the parties. Mr

Patel and Mr Straughan are referred to the **Case Management Order** issued with this judgement.

## REASONS

5 With the exception of the claim brought by **Mr Steven Straughan (1300049/2020)**, and the duplicate claim brought by **Miss Kerry Minshull (1300050/2020)**, all of the claims were presented in a single claim form with **Miss Minshull (1306260/2019)** as the lead claimant.

6 The respondent has failed to provide a response to any of the claims. On **16 January 2020**, on the direction of **Employment Judge Dean**, the tribunal wrote to the claimants advising that, as there was no response to the claim, the tribunal was considering the issue of a default judgement (without a hearing). The claimants were invited to submit full details of their claims with supporting documentation. In that same letter, the tribunal pointed out that, in a claim for unlawful deductions from wages (as opposed to discrimination claims), the tribunal did not have jurisdiction to make an award of general or aggravated damages for the distress and inconvenience caused by the non-payment of wages. If, when responding, the claimants had withdrawn that element of their claims this matter would have been dealt with by the issue of default judgement. In the event, as the claimants each pursued a claim for general damages of £5000, the matter was listed for Hearing. I directed that the hearing could take place "on paper". By a letter dated **19 August 2020** the tribunal invited all parties (including the respondent) to submit any further written representations.

7 In the light of the information and documentation provided by each of the claimants listed in Paragraph 1 above, I have made a judgement awarding the sums set out in that Paragraph. I have not made an award of general damages to any claimant because, in the circumstances of this case, no matter how meritorious such a claim may appear, the tribunal simply lacks jurisdiction to make such an award.

8 Miss Minshall appears to have inadvertently lodged her claim three times. She confirmed in writing that she was only pursuing her first claim **(1306260/2019)** and accordingly the other two claims have been dismissed (Paragraph 3 above).

9 There were two claimants for whom it was not possible to issue judgement at this time (see Paragraph 4 above). I have prepared a separate **Case Management Order** which will be issued at the same time as this Judgement setting out the position with regard to those two claimants and actions now required from them if the claims are to proceed.

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Employment Judge  
29 January 2021  
Judgment sent to Parties on