



EMPLOYMENT TRIBUNALS

Claimant Mr Danny Welch v

Respondent Dorset & South West Mobile Mechanics Ltd

Heard at: Bristol (in public, by VHS) **On:** 11 and 12 April 2023

Before: Employment Judge Cotton (sitting alone)

Appearances

For the Claimant: Mr Welch, in person

For the Respondent: Mrs Angelisa Ralph, Litigation Consultant

JUDGMENT

1. The claim of unlawful deduction from wages contrary to section 13 of the Employment Rights Act 1996 succeeds. The Respondent has made an unlawful deduction from the Claimant's wages and is ordered to pay to the claimant the sum of **£7090.50**. This is a **gross** sum and is subject to income tax and national insurance contributions.
2. The claim for automatically unfair dismissal contrary to section 104(1)(b) of the Employment Rights Act 1996 is unsuccessful and is dismissed.
3. The Respondent shall pay to the Claimant the sum of **£1,142** under section 38 of the Employment Act 2002, for failure to provide the Claimant with a written statement of particulars of employment. This figure equates to two weeks pay capped at £571, pursuant to section 227 of the Employment Rights Act 1996 and the Employment Rights (Increase of Limits) Order 2022 (SI 2022/182).
4. When delivering my oral judgment I omitted to apply the statutory cap. I reconsidered this part of my decision, and the correct figure is set out in paragraph 3 above.

Employment Judge Cotton

Date: 12 April 2023

Sent to the parties on: 24 April 2023

For the Tribunal Office

Note

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.