



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4106121/2022

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Held via Cloud Video Platform (CVP) in Glasgow on 31 January 2023

Employment Judge L Wiseman

10 **Mr S Kennedy**

**Claimant
In Person**

15 **Marlan Media**

**Respondent
No appearance and
No representation**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Tribunal decided:

- (a) the complaint regarding an unauthorised deduction of wages is well founded and the respondent shall pay to the claimant the sum of £2154 (gross);
- (b) the complaint regarding a failure to pay holiday pay is well founded and the
25 respondent shall pay to the claimant the sum of £538.46 (gross) and
- (c) the respondent shall pay to the claimant the sum of £538.46 (gross) in respect of notice.

REASONS

- 1. The claimant presented a claim to the Employment Tribunal in which he
30 sought payment for an unauthorised deduction of wages, holiday pay and notice.
- 2. The respondent did not enter a response.

3. This hearing was arranged because there was some confusion regarding the calculation of the amounts being sought by the claimant.
4. I heard evidence from the claimant, and I made the following material findings of fact.

5 **Findings of fact**

5. The claimant commenced employment with the respondent on 22 August 2022. He was provided with a contract of employment.
6. The contract of employment confirmed the claimant's salary was £25,000 per annum but he was advised this figure had been included in error and that in fact his salary was £28,000 per annum.
7. The contract of employment provided for holidays of 40 days per annum plus 8 statutory days. The holiday year ran from January to December.
8. The claimant was due to be paid at the end of August but received nothing. The claimant raised this with the respondent and was assured the payment would be forthcoming. In fact, no payment was made, and the claimant decided to terminate his employment.
9. The claimant gave one week's notice to the respondent on 22 September 2022 and left on 29 September 2022.
10. The claimant, as at the termination of his employment, had not received payment of any wages, holiday pay or payment during the period of notice.
11. The claimant calculated his gross weekly pay to be £538.46 (being £28,000 divided by 52 weeks).
12. The claimant calculated he had accrued but not taken 4.6 days annual leave as at the termination of his employment.

25 **Discussion and decision**

13. I accepted the claimant's evidence and I found as a matter of fact that he had not been paid the wages earned, or the holiday pay accrued as at the

termination of his employment. I was also satisfied the claimant gave the respondent the correct period of notice but was not paid during that period of notice.

- 5 14. I decided the complaint of an unauthorised deduction of wages was well founded and I order the respondent to pay to the claimant the sum of £2154 (being £538.46 x 4 weeks).
15. I also decided the claim in respect of holiday pay was well founded and I order the respondent to pay to the claimant the sum of £538.46 (being 5 days holidays).
- 10 16. I also order the respondent to pay to the claimant the sum of £538.46 in respect of the period of notice.

Employment Judge: L Wiseman
Date of Judgment: 01 February 2023
Entered in register: 01 February 2023
and copied to parties