



EMPLOYMENT TRIBUNALS

Claimant: Ms L Driscoll

Respondent: Run Afan Forest LTD

Heard at: By Video On 19th April 2024

Before: Employment Judge R F Powell

Representation:

Claimant: Mr Cowley, Representative

Respondent: Mr Adam Newton, Director of the Second Respondent

JUDGMENT

The Judgment of the Employment Tribunal is:

- 1. The breach of contract claim is well founded and succeeds and the second respondent is ordered to pay to the claimant damages in the net sum of £2,564.95.**
- 2. The claim of unlawful deductions from wages is well founded and succeeds in respect of unpaid holiday pay, unpaid wages and unpaid pension contributions and the second respondent is ordered to pay compensation to the claimant in the net sum of £2,314.63.**
- 3. An application by the respondent for an adjournment to obtain bank statements was refused because the issue to which the new evidence might be relevant had not been pleaded, nor raised when agreeing the issues at the outset of the hearing, nor put in cross examination, nor mentioned in the respondent's oral witness evidence. An adjournment would have been required to allow service of the documents and additional witness evidence from both parties which could not be accommodated in the remaining hearing time. The new evidence was said to be relevant to a dispute over £300 of unpaid wages. In light of the above and the second respondent's assertion that it was very soon going into receivership, it was not proportionate, nor in the interests of justice, to grant the late application which would require another hearing that would be listed in several months' time and could have been avoided if the second**

respondent had made reasonable efforts to prepare its case in a timely manner.

Employment Judge R F Powell
Dated: 19th April 2024

JUDGMENT SENT TO THE PARTIES ON 22 April 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

NOTES:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.

The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply in this case.