



EMPLOYMENT TRIBUNALS

Claimant: Ms A Herbert

Respondent: Milkwood Care Limited trading as The Mountains Nursing Home

Heard at: Swansea (by video)

On: 27th March 2024

Before: Employment Judge Howden-Evans

REPRESENTATION:

Claimant: Ms Page, Counsel

Respondent: In person by Mr Cheesman, Director

JUDGMENT

The judgment of the Tribunal is as follows:

1. The claimant's complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period September / October 2023.
2. The respondent shall pay the claimant **£3,209.21**, which is the net sum deducted.
3. The respondent's employer's contract claim is struck out under Employment Tribunal Rule 37(1)(a) because the claimant has not made a contract claim, so the Tribunal does not have jurisdiction to consider an employer's contract claim (per Article 8(a) Employment Tribunal Extension of Jurisdiction Order 1994).
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 does not apply to this award.
5. Interest will accrue at a rate of 8% per annum on any amount of compensation that remains outstanding 14 days after the date of this judgment.

Employment Judge Howden-Evans

Date – 22 April 2024

Judgment sent to the parties on 22 April 2024

For the Tribunal Mr N Roche

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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