



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr M Parry and (2) Mr Ben Robson

Respondent: HGV Leasing Supply Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. Mr Parry's claim was presented in the Leeds Employment Tribunals on 3 October 2023. Mr Robson's claim was presented in the Leeds Employment Tribunal on 18 October 2023. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.

Mr Parry's award

2. Mr Parry presented a claim form for arrears of pay only. The Tribunal declares that the claimant has suffered an unauthorised deduction from wages. The Tribunal awards the claimant **£1809.75 (gross)**, which has been calculated as set out below. Mr Parry's hourly rate was £19.50 per hour and his overtime rate was £10 per hour.

Week commencing	Hours worked	Overtime worked	Total payable (gross)
17 July 2023	48 hours	0.5 hours	£941
24 July 2023	48 hours	23 hours	£1166
31 July 2024	34.5 hours	N/A	£672.75
less amount already paid			(-£970)
GRAND TOTAL			£1809.75

Mr Robson's award

3. The Tribunal declares that Mr Robson has suffered an unauthorised deduction from wages. The Tribunal awards Mr Robson **£1019.50 (gross)**, which has been calculated as follows:
 - a. £376 (gross) in respect of unauthorised deductions from wages for an engine oil pump, cost of seals and cost of a truck MOT and voluntary tests; and

- b. £643.50 (gross) in respect of 3.9 days' accrued holiday.
4. The Tribunal also awards to Mr Robson damages for non-payment of one weeks' notice pay of **£650 (net)**. This award is for a breach of contract and is therefore awarded on a net of tax basis.
5. The total award of unauthorised deductions from wages and notice pay to Mr Robson is therefore **£1669.50**.

NOTES

1. Both claimants and the respondent (formerly known as HGV Hire Limited, company number 12840385) were provided with details of the hearing of this claim on 8 May 2024. Mr Parry attended the hearing. Neither Mr Robson nor a representative from the respondent attended. The clerk to the Tribunal attempted to contact both Mr Robson and the respondent's representative (Mr Marquis Craven) by phone and by email, but received no response.
2. The respondent did not present its response to the Tribunal by the deadline of 3 January 2024. The Tribunal did not previously issue judgment because neither of the claimants had stated the amounts that they were claiming.
3. The respondent then sent its response to the Tribunal on 7 February 2024 and asked for an extension of time. The respondent stated that this was due to the absence on sick leave of Marquis Craven (an employee of the respondent) from the end of October 2023 to the beginning of February 2024. Mr Craven did not provide any medical evidence regarding his illness. The Tribunal stated that the respondent's application for an extension of time would be considered at the hearing on 8 May 2024.
4. The Tribunal notes that according to the government's Companies House website, other officers of the respondent were active during the period from October to February 2024. For example:
 - a. the respondent changed its name to HGV Leasing Supply Limited on 7 December 2023; and
 - b. the respondent changed its registered office address from Dale Works in Dewsbury to Regent Street in London on 2 January 2024.
5. The Tribunal therefore refused the respondent's application for an extension of time. Please refer to the separate case management orders regarding the Tribunal's decision on that application for further details.

Employment Judge Deeley

Date: 8 May 2024