



EMPLOYMENT TRIBUNALS

Claimant: Miss A Ejim

Respondent: Hamilton Care Ltd

HELD by Cloud Video Platform (CVP)

ON: 12 July 2022

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: In person

Respondent: Did not enter a response, did not appear and was not represented

JUDGMENT

1. The respondent shall pay the claimant the sum of £1,140.00 by reason of unauthorised deduction of wages.
2. The claimant's claim for holiday pay is dismissed on withdrawal by the claimant.

REASONS

1. Claims

- 1.1. Unauthorised deduction of wages
- 1.2. Holiday pay

2. Issues

The issues in this case relate to:

- 2.1. Unauthorised deduction of wages - did the respondent deduct a sum or sums from the claimant's wages the said deduction being unauthorised?

- 2.2. Holiday pay - there were no issues because the claimant withdrew her claim.

3. Facts

The Tribunal, having carefully reviewed all the evidence (which was oral) before it, finds the following facts (proved on the balance of probabilities):

- 3.1. The claimant was employed as a night care assistant by Hamilton Care Ltd from 28 December 2021 to 12 January 2022.
- 3.2. The claimant resigned from her employment because the respondent stopped giving her shifts and because the respondent would not put the claimant on bank work.
- 3.3. During the period of her employment the claimant worked from 10.00pm to 8.00am.
- 3.4. The claimant gave the respondent her bank details but was never paid during her employment, because the respondent only paid on the 28th of each month and thereafter.
- 3.5. In total the claimant worked full shifts or 120 hours at 9.50 per hour totalling £1,140.00.

4. Determination of the issues

(After listening to the actual submissions made by the claimant):

- 4.1. It is clear that the respondent, being the employer of the claimant, did not pay the claimant any of her wages in circumstances where it was not entitled to do so.
- 4.2. In the circumstances the claimant is entitled to £1,140.00 for unauthorised deduction of wages and the respondent is ordered to pay the claimant accordingly.

Employment Judge Shulman

Date 8 August 2022