



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

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Case No: 4102863/2019

Employment Judge: M A Macleod

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Dean Lillie

Claimant  
In Person

The Kings Arms Hotel

Respondent  
Not Present and  
Not Represented

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### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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The Judgment of the Employment Tribunal is that the respondent is ordered to pay to the claimant the sum of Seven Hundred and Ninety Pounds and Eighty Five Pence (£790.85).

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### **REASONS**

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1. The claimant presented a claim to the Employment Tribunal on 8 March 2019 in which he complained that he had been unlawfully deprived of wages in his short period of employment with the respondent.
2. The respondent submitted an ET3 response form in which they admitted that he was due certain sums but not all which he claimed.
3. A hearing was fixed to take place on 24 May 2019 in order to address the merits of the claim. The claimant appeared on his own behalf. The respondent did not attend nor was represented.

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4. Inquiries by the Tribunal clerk indicated that Mr Munro, (that is, James Munro, who was at the material time the respondent's restaurant manager), was not intending to come, as he himself had left the employment of the respondent and was seeking pursuing legal action against them for unpaid wages. No contact had been made by the respondent prior to the hearing to seek a postponement of the hearing.

5. As a result, it appeared to me entirely appropriate, and consistent with Rule 47 of the Employment Tribunals Rules of Procedure 2013, to proceed with the hearing in the respondent's absence.

6. The claimant explained his position, under oath.

7. From the information provided to me, I am satisfied that the following awards should be made to the claimant.

- In respect of wages underpaid for the weeks of 14 and 21 November 2018, the claimant is entitled to the sum of £135.99;
- In respect of annual leave accrued but untaken as at the date of his resignation, the claimant is entitled to £390, in respect of 4.9 days outstanding; and
- In respect of wages underpaid for the final week of his employment, the claimant is entitled to £264.86.

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8. Accordingly, the respondent is ordered to pay to the claimant the sum of £790.85 in respect of unlawful deductions from his wages.

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**Employment Judge: Murdo Macleod**  
**Date of Judgment: 05 June 2019**  
**Entered into the Register: 06 June 2019**  
**And Copied to Parties**

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