



LJ

# EMPLOYMENT TRIBUNALS

***Claimant***

***Respondent***

**Miss I Mikolayova**

**v**

**Sir Robert McAlpine Ltd**

**Heard at:** London Central

**On:** 15 January 2020

**Before:** Employment Judge T Russell (Sitting alone)

**Representation**

**For the Claimant:** Mr M Ralston, Representative

**For the Respondent:** Ms R Mellor, of Counsel

## JUDGMENT

The Judgment of the Tribunal is as follows:

The Claimant's claim for an unauthorised deduction from wages and/or breach of contract fails.

## REASONS

The claim is for the difference between her contractual pay and SSP for 4 days of sickness absence 22-25 July 2019. However, she failed to fully follow the Respondent's reporting procedure as to such absence and as a result the Respondent declined to make any payment above SSP. They were entitled to make such a decision under Clause 7.3 of the Claimant's employment contract giving them an unfettered discretion as to whether to pay the extra sick pay or not and so the Claimant's claim fails and is dismissed.

Employment Judge Russell

Date 27 Jan 2020

JUDGMENT SENT TO THE PARTIES ON

29/1/2020

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FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.