



EMPLOYMENT TRIBUNALS

Claimant: Mr R Richardson

Respondent: Fratellis Master Caterers Limited trading as Fratellis Bar and Restaurant Fratellis Bar and Restaurant

Heard at: Reading Employment Tribunal via Cloud video Platform

On: 2 March 2023

Before: Employment Judge Murphy

Representation

Claimant: In person

Respondents: Mr G Imbimbo, Director of the Respondent.

JUDGMENT

1. Of consent, the respondent's name is amended to Fratellis Master Caterers Limited trading as Fratellis Bar and Restaurant.
2. The respondent has made unauthorised deductions from wages contrary to section 13 of the Employment Rights Act 1996 and is ordered to pay to the claimant the sum of ONE THOUSAND FIVE HUNDRED AND TWENTY SEVEN POUNDS AND SEVENTY FOUR PENCE STERLING (**£1,527.74**) in respect of unpaid wages in the period from July 2021 to May 2022.
3. The sum awarded in item 2 is expressed gross of tax and national insurance. It is for the respondent to make any deductions lawfully required to account to HMRC for any tax and national insurance due on the sums, if applicable.

Background

4. The claimant brought a complaint of unauthorised deductions from wages. The respondent was sent a notice of the claim on 5 October 2022. The respondent did not enter an ET3 response to the claim. The parties were sent a Notice of Hearing on 19 December 2022. A letter was sent to the respondent confirming that Rule 21 of the ET Rules 2013 applied and that the respondent would only be entitled to participate in the hearing to the extent permitted by the EJ.
5. The parties were sent a Notice of Hearing on 19 December 2022. A hearing took place on 2 March 2023.
6. A director of the Respondent, Mr Gianluca Imbimo attended the hearing. He acknowledged that the Notice of Claim had been sent to the same address as the Notice of Hearing. He advised he had experienced difficulties in his personal life on which he had been focused and that there was a good deal of correspondence being delivered to the address which he had not collected or reviewed. He advised he was seeking to liquidate the company. Companies House records were checked. It was noted that no administrator or liquidator had been appointed. There was an active proposal to strike off the respondent company but, as at the date of the hearing, it had not been struck off the register or dissolved. The hearing therefore proceeded.
7. Evidence was taken orally from the claimant. The claimant had also sent to the Tribunal certain documents to which he referred including his contract of employment, records he had compiled of payments, and bank statements. Reference was made to a number of these documents during the claimant's evidence.
8. Mr Imbimo was not permitted to give evidence or to cross-examine the claimant. He was offered the opportunity to make submissions on the evidence heard and specifically to comment on or dispute, from an arithmetical perspective, the wage calculations discussed during the claimant's evidence.
9. An oral judgment was given.

I confirm that this is my Judgment in the case of Case No: 3311812/2023 R Richardson v Fratellis Master Caterers Limited and that I have signed the Judgment by electronic signature.

**Employment Judge Murphy
(Scotland), acting as an Employment
Judge (England and Wales)**

Date 2 March 2023

JUDGMENT SENT TO THE PARTIES ON
25 March 2023

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FOR THE TRIBUNAL OFFICE

Notes

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.

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Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.