



EMPLOYMENT TRIBUNALS

Claimant: Mr Dariusz Drop & Mrs Karen Drop

Respondent: Jintana Ltd

HELD AT: Manchester

ON:

11 January 2021

BEFORE: Employment Judge Newstead Taylor
(sitting alone)

REPRESENTATION:

Claimant: Mr Drop & Mrs Drop (In person)

Respondent: Mr M Siddall (Director)

JUDGMENT

1. The Respondent has made an unlawful deduction from Mr Drop's wages and is ordered to pay to Mr Drop the gross sum of £913.15, in respect of the amount unlawfully deducted.
2. The Respondent has made an unlawful deduction from Mrs Drop's wages and is ordered to pay to Mrs Drop the gross sum of £1,019.88, in respect of the amount unlawfully deducted.

NOTE

1. The Employment Tribunal apologises for the differences between the figures recorded in this written judgment and those calculated orally on 11 January 2021. The Employment Tribunal checked the calculations when drafting the judgment and identified the following errors:

A) The sums paid to the Claimants under their final payslips, dated 20 July 2020, were not included in the calculation of the Claimants' total losses, but were included when deducting the amounts received from the Respondent.

B) The wrong weekly rate of £86.73 was used when calculating Mr Drop's awards for the 4 weeks leave carried over from 2019-2020 and for the failure to provide a written statement of particulars. The correct weekly rate is £87.63, being £4556.92/52.

C) The ACAS uplift of 15% was applied to the award for failing to provide written statements of particulars.

2. The correct calculations are set out in full below. If either party considers there to be any error in the recalculated sums then they can either ask for a reconsideration of the judgment under Employment Tribunal Rules 70-72 and/or submit an appeal. Further information can be found in the booklet accompanying the judgment. Finally, the parties are reminded that they are entitled to ask for full written reasons of the judgment if required.

3. Mr Drop:

Mr Drop's total losses:

£1051.50, being 80% pay for 15 weeks of furlough calculated at $15 \times £70.10$.

£310.61, being the amount due under the payslip dated 20 July 2020.

£350.52, being the 4 weeks leave carried over from 2019-2020 calculated at $4 \times £87.63$.

£138.72, being the holidays accrued, but untaken whilst on furlough calculated at $14.7/52 \times 5.6 = 1.58307692$ and $1.58307692 \times £87.63 = £138.72$

Total losses = £1,851.35

Mr Drop's total losses minus the amounts received from the Respondent:

$£1,851.35 - £1,362.11 = £489.24$

15% ACAS Uplift on the balance:

$£489.24/100 \times 15 = £73.39$

Award of 4 weeks pay for failure to provide written statement of particulars:

£350.52, being $4 \times £87.63$.

Total:

$£489.24 + £73.39 + £350.52 = £913.15$

4. Mrs Drop:

Mrs Drop's total losses:

£1147.20, being 80% pay for 15 weeks of furlough calculated at 15 x £76.48.

£124.01, being the amount due under the payslip dated 20 July 2020.

£382.40, being the 4 weeks leave carried over from 2019-2020 calculated at 4 x £95.60.

£171.93, being the holidays accrued, but untaken whilst on furlough calculated at $16.7/52 \times 5.6 = 1.79846154$ and $1.79846154 \times £95.60 = £171.93$

Total losses = £1,825.54

Mrs Drop's total losses minus the amounts received from the Respondent:

$£1,825.54 - £1,271.21 = £554.33$

15% ACAS Uplift on the balance:

$£554.33/100 \times 15 = £83.15$

Award of 4 weeks pay for failure to provide written statement of particulars:

£382.40, being 4 x £95.60.

Total:

$£554.33 + £83.15 + £382.40 = £1,019.88$

Employment Judge Newstead Taylor
13 January 2021

JUDGMENT SENT TO THE PARTIES ON
14 January 2021
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.

Public access to employment tribunal decisions

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2415213/20 & Other
Mr D Drop
Mrs K Drop v Jintana Ltd

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 14 January 2021

"the calculation day" is: 15 January 2021

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.