



## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4111324/2021

Held in Dundee (by CVP) on 24 November 2021

Employment Judge B Beyzade

Mr. M Smith

Claimant  
In person

Simon Creamer trading as  
Carmelean Accident Repair Centre

Respondent  
Not present and  
not represented

### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

#### 1. The judgment of the Tribunal is that:

- 1.1. the complaint of breach of contract in respect of the failure to pay notice pay is well-founded and the respondent is ordered to pay the claimant the sum of **TWO HUNDRED AND FIFTY-SEVEN POUNDS AND TWENTY-FOUR PENCE (£257.24) gross** from which tax and national insurance requires to be deducted, provided that the respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.
- 1.2. the complaint of unauthorised deduction from wages in respect of holiday pay between 11 November 2020 and 28 June 2021 is well founded and the respondent is ordered to pay the claimant the sum of **FOUR**

**HUNDRED AND SIX POUNDS AND EIGHTY-EIGHT PENCE (£406.88) gross** [this is £906.88 less £500.00 paid to the claimant by the respondent on 02 July 2021] from which tax and national insurance requires to be deducted, provided that the respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

- 1.3. the respondent is correctly designated as above and the Tribunal Clerk is directed that the paper and electronic file records be amended forthwith to reflect the same and that thereafter parties be respectively so addressed in correspondence.

### **REASONS**

1. Oral reasons were given for this judgment at the end of the hearing held via Cloud Video Platform ('CVP') hearing.

*I confirm that this is my judgment in the case of 4111324/2021 Mr M Smith v Simon Creamer trading as Carmeleon Accident Repair Centre and that I have signed the order by electronic signature.*

**Employment Judge:  
Date of Judgment:  
Date sent to parties:**

**B Beyzade  
24 November 2021  
29 November 2021**