**THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS**

**In the name of His Highness Sheikh Mohammed Bin Rashid Al Maktoum, Ruler of Dubai**

**IN THE SMALL CLAIMS TRIBUNAL OF DIFC COURTS**
**BEFORE SCT JUDGE NASSIR AL NASSER**

BETWEEN

**LOGAN**

Claimant

and

**LUCINA**

Defendant

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Hearing

: 9 April 2020

Judgment

: 19 April 2020

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**JUDGMENT OF SCT JUDGE NASSIR AL NASSER**

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**UPON** the Claim Form being filed on 5 February 2020

**AND UPON** the Defendant filing an Acknowledgment of Service with an intention to defend all of the claim dated 11 February 2020

**AND UPON** the Defendant filing an Application Notice on 13 February 2020 alleging that the Claimant initiated the proceedings against the wrong Defendant

**AND UPON** the Claimant Amending its Claim Form on 16 February 2020

**AND UPON** the Order of SCT Judge Ayesha Bin Kalban granting the Defendant 14 days to file its defence to the Amended Claim

**AND UPON** the Defendant filing its defence on 1 March 2020

**AND UPON** the parties being called on 10 March 2020 for a Consultation with SCT Judge Ayesha Bin Kalban and the parties not having reached a settlement

**AND UPON** a Hearing having been held before SCT Judge Nassir Al Nasser on 9 April 2020, with the Claimant and the Defendant's representative in attendance

**AND UPON** reading the submissions and evidence filed and recorded on the Court file;

**IT IS HEREBY ORDERED THAT:**

1. The Claimant's claim shall be dismissed.

2. There shall be no order as to costs.

Issued by:

**Ayesha Bin Kalban**

SCT Judge and Deputy Registrar

Date of issue: 19 April 2020

At: 3pm

**THE REASONS**

**The Parties**

1. The Claimant is Logan, an individual filing a claim against the Defendant regarding his employment at the Defendant company (the "Claimant").

2. The Defendant is Lucina, a Foreign Recognized Company registered in the DIFC located at DIFC, Dubai (the "Defendant").

**The Preceding History**

3. The underlying dispute arises over the employment of the Claimant by the Defendant pursuant to an employment contract dated 15 September 2018 (the "Employment Contract").

4. On 6 November 2019, the Claimant was terminated from his employment by the Defendant, and his last working day was 5 January 2020.

5. On 5 February 2020, the Claimant filed a claim in the DIFC Courts' Small Claims Tribunal (the "SCT") claiming alleged overdue commission, penalties under the DIFC Employment Law, and his flight allowance.

6. On 16 February 2020, the Claimant amended its Claim Form.

7. That same day, SCT Judge Ayesha Bin Kalban issued an Order granting the Defendant 14 days to file its defence to the Amended Claim Form.

8. On 1 March 2020, the Defendant filed its defence.

9. The parties met for a Consultation with SCT Judge Ayesha Bin Kalban on 10 March 2020 but were unable to reach a settlement.

10. Thereafter, the parties attended a hearing listed before me on 9 April 2020.

**Claimant's submission**

11. The Claimant filed a claim with the SCT alleging that, during the course of his employment, he was entitled to commission and a flight allowance. Following the Defendant's failure to pay his entitlements, the Claimant is also seeking penalties pursuant to Article 19 of the DIFC Employment Law.

12. The Claimant alleges that Clause 4 of the Employment Agreement sets out the base salary and other compensation entitlements for the employment, namely:

(a) Base salary;

(b) Variable Salary (the "Commission") to be paid within 30 days after the end of the fiscal quarter;

(c) Grants warrants/options in the share capital of the company; and

(d) Flight allowance of one economy class round-trip to the employee's home country each calendar year.