



EMPLOYMENT TRIBUNALS

Claimant: Ms K George

Respondent: AP Dental Practice

Heard at: East London Hearing Centre

On: 15 February 2022

Before: Employment Judge Scott

Representation:

For the Claimant: Did not attend, nor represented

For the Respondent: Mr A Patel

JUDGMENT

The claimant's claim is dismissed.

REASONS

1. The claimant did not attend the hearing and did not make any application for an adjournment of the hearing or give any explanation for his non-attendance. I directed my clerk to telephone the claimant on the number provided but there was no response.

2. In the circumstances I decided to proceed with the hearing pursuant to Rule 47 of Schedule I to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. I took full account of the claim form and all other information provided by the claimant held on the Tribunal file.

Introduction

3. By a claim form presented on 12 October 2021 (prior to the claimant's employment ending on 22 October) the Claimant complained that she was owed 1 day's holiday pay in respect of a bank holiday.

4. The Respondent submitted a response form on 19 November (accepted late). In that response the respondent said that it had, by then, paid the claimant for the bank holiday.
5. The case was listed for hearing by telephone at 10:00 on 15 February 2022 with a time estimate of 2 hours.

Findings of Fact

6. I heard evidence from Mr Patel, the owner of the respondent business.
7. The Claimant was employed by the Respondent as a receptionist between 13 July 2021 and 22 October 2021.
8. During her employment, the claimant took 2 days holiday. The claimant was paid for one day's annual leave but was not paid for one day's bank holiday leave.
9. The respondent initially disputed that it was liable to pay the claimant for the bank holiday but Mr Patel, on behalf of the respondent, accepted in November 2021 that the respondent should have paid the claimant for the bank holiday and made a payment for the day's leave to the claimant, together with a payment for accrued untaken leave.

Relevant Law and Conclusions

10. Regulations 13 & 13A provides that a worker is entitled to 5.6 weeks' annual leave in each leave year. Regulation 16 provides that a worker is entitled to be paid for that leave.
11. Upon termination of employment, the claimant was paid in lieu of accrued holiday. The respondent subsequently paid the claimant an additional day's pay in respect of the unpaid bank holiday.
12. In the circumstances, the claimant's claim is dismissed.

**Employment Judge Scott
Dated: 15 February 2022**