



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Graham  
**Respondent:** Auditorium Seating Services Limited  
**Heard at:** East London Hearing Centre (via CVP)  
**On:** 17 & 18 February 2022  
**Before:** Employment Judge John Crosfill

## Representation

**Claimant:** In person  
**Respondent:** Mrs Archer – the sole shareholder

# JUDGMENT

1. The Tribunal held that the Claimant did not have 2 years continuous service for the purposes of Section 108 of the Employment Rights Act 1996. The Claimant's claim of unfair dismissal brought under sections 94 and 111 of the Employment Rights Act 1996 is not well founded and is dismissed.
2. The Claimant's claim for arrears of wages brought under Part II of the Employment Rights Act 1996 is not well founded and is dismissed.
3. In respect of the Claimant's claim for wages, treated as a claim for breach of contract and brought pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 the Tribunal found that the Respondent breached the Claimant's contract by failing to pay the National Minimum wage for the pay reference period ending 28 February 2020 but that the Respondent had later made a payment in respect of that month which extinguished the right to claim any debt or damages.
4. The Claimant's claim for holiday, whether brought under Regulation 30 of the Working Time Regulations 1998 or Part II of the Employment Rights Act 1996 is not well founded and is dismissed.

5. The Claimant's claim for notice pay brought under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 succeeds to the extent that the Claimant has established that he was wrongfully dismissed and that he is entitled to 1 weeks' notice of dismissal. The Claimant is entitled to damages of £184.61.
6. The Respondent is ordered to pay the Claimant the sum of £184.61.
7. The Recoupment regulations do not apply to the said award.

**Employment Judge Crosfill**  
**Date:18 February 2022**