



EMPLOYMENT TRIBUNALS

Claimant: Mr P Newton

Respondent: The Wright Building Company Ltd

:

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim under regulation 30(1)(b) Working Time Regulations 1998 ('WTR') for payment of the amount of holiday pay due to the Claimant under regulation 14(2) WTR is well-founded and succeeds.

1.1. The Respondent is ordered to pay to the Claimant the gross amount of **£406**.

REASONS

1. On **06 February 2023**, the Claimant presented a Claim Form to the Tribunal in which he brought a complaint for outstanding holiday pay. The Claim Form was initially rejected but upon the defect relating to the Respondent's name being corrected, was accepted and deemed as received on **22 February 2023**. The Claim was still in time at that point.
2. The Respondent is in voluntary liquidation. The proceedings were served on the Respondent with a response date of **22 March 2022**. However, no response was served.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.
4. On **31 March 2023**, Judge Johnson decided that it was not appropriate to issue a rule 21 judgment as further information regarding the amounts claimed were required. Accordingly, the Claimant was directed to explain the basis of his claim by **07 April 2023**.
5. The Claimant sent the required information on **02 April 2023**.

6. The Claimant was employed by the Respondent from 10 September 2021 to 21 October 2022. He worked 40 hours a week and was paid an hourly rate of £14.50. The holiday year ran from 01 January to 31 December. The Claimant has provided a breakdown of the amount claimed and has sent to the tribunal pay slips confirming the rate of pay.
7. As at the date of termination of employment, he had accrued 28 hours of untaken holiday, which remained unpaid when his employment terminated.
8. In the absence of any response from the Respondent and based on the information contained in the ET1 and further information provided by the Claimant, I was satisfied that I had sufficient information to enable me to conclude that the total amount of **£406** remained due to the Claimant and was properly payable on termination and that the Respondent had failed to pay the amount due to him. Therefore, I was able to issue a judgment against the Respondent.

Employment Judge Sweeney

Date: 11 April 2023