



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Nessling

**Respondent:** Cuckoo Brow Limited

**HELD AT:** Manchester (by CVP)

**ON:** 3 January 2024

**BEFORE:** Employment Judge Johnson

## REPRESENTATION:

**Claimant:** Unrepresented

**Respondent:** Ms S Varden, (Operations Manager)

# JUDGMENT

The judgment of the Tribunal is that:

- (1) The complaint of unlawful deduction from wages contrary to section 13 Employment Rights Act 1996 is well founded which means it is successful. The respondent shall pay the claimant the sum of £3372.40 in settlement of this complaint.
- (2) The complaint for holiday pay remaining untaken and unpaid upon the termination of the claimant's employment with the respondent contrary to regulations 13 and 13A Working Time Regulations 1998 is well founded which means it is successful. The respondent shall pay the claimant the sum of £1446.40 in settlement of this complaint.
- (3) The respondent must therefore pay the claimant the total sum of **£4,818.80 (Four thousand, eight hundred and eighteen pounds, eighty pence)**, in full and final settlement of the two successful complaints described in paragraphs (2) and (3), above.

---

Employment Judge Johnson

Date: 3 January 2024

JUDGMENT SENT TO THE PARTIES ON

8 January 2024

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2404487/2023**

Name of case: **Mr B Nessling** v **Cuckoo Brow Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 8 January 2024

**the calculation day** in this case is: 9 January 2024

**the stipulated rate of interest** is: **8% per annum**.

For the Employment Tribunal Office