



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr Ako Hussein

AND

Kush Foods Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 1 June 2017

Before: Employment Judge A M Buchanan

Appearances

For the Claimant: No attendance

For the Respondent: Mr Ravi Makkapati

JUDGMENT

It is the Judgment of the Tribunal that:

1. The claim for a declaration of unlawful deduction from wages is not well founded and is dismissed.
2. The claim of breach of contract in relation to notice pay is not well founded and is dismissed.
3. The claim in respect of unpaid holiday pay is well founded and the respondent is ordered to pay to the claimant £216.00 in respect of unpaid holiday pay. This is a gross payment and the claimant is required to account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of the said sum.
4. The respondent is ordered to pay to the claimant Tribunal fees totalling £390 being the fee of £130 paid to file this claim and the fee of £230 paid for the hearing of this matter.
5. The total sum due from the respondent to the claimant is £606.00p and is payable forthwith.

REASONS

1. The claimant filed these claims on 3 April 2017.
2. The hearing came before me this morning. The claimant did not attend and there was no explanation given for his non-attendance.
3. I heard evidence from Sanjay Mohakud and from Ravi Makkapati. I am satisfied that the claimant was given notice to terminate his contract of employment by the respondent on or around 1 November 2016 with effect from 30 November 2016. I am satisfied that the claimant was paid his wages for November 2017. I am satisfied the claimant was sent a form P60 on or around 4 January 2017.
4. The claim in respect of unpaid wages which related to wages said to be payable for December 2016 and January 2017 is not well founded and is dismissed.
5. I am satisfied the claimant worked out his notice in November 2016 and so the claim for breach of contract in respect of notice pay is not well founded and is dismissed.
6. The respondent accepted that it had not paid holiday pay to the claimant in respect of his short period of employment from 12 September 2016 until 30 November 2016. The claim is governed by the Working Time Regulations 1998. The respondent calculated the sum due as £216.00p.
7. I accept the calculation of holiday pay due in the sum of £216 and I order that sum to be paid to the claimant.
8. As the claimant has succeeded in one of his claims, I consider it appropriate to make an award in respect of Tribunal fees paid by the claimant in the total sum of £390.

EMPLOYMENT JUDGE A M BUCHANAN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 1 June 2017**

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JUDGMENT SENT TO THE PARTIES ON

7 June 2017

AND ENTERED IN THE REGISTER

G Palmer
FOR THE TRIBUNAL