



## EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

Mr M Frazer

**Respondents**

and

R1 - Mr Gerald Patrick Houston Martin

R2 - Foresters (Bagshot) Limited

**Hearing held at Reading on** 18 May 2018

**Representation**

**Claimant:** Did not attend and not represented

**Respondents:** Did not attend and not represented

**Employment Judge**

Mr S G Vowles (sitting alone)

## JUDGMENT

### Attendance

1. Both parties notified the Tribunal in advance that they would not attend the hearing.

### 2<sup>nd</sup> Respondent

2. The 2<sup>nd</sup> Respondent is added as a party to the proceedings as it appears that there are issues between that company and the existing parties within the jurisdiction of the Tribunal which it is in the interests of justice to have determined in the proceedings.

### Untaken Holiday Pay – regulation 30 Working Time Regulations 1998

3. The Claimant was owed pay for untaken holiday and the Tribunal awarded £500 in compensation. The Respondents are ordered to pay this sum to the Claimant.

### Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

4. Reasons for this judgment are attached below.

## REASONS

### Attendance

1. Both parties notified the tribunal in advance that they would not attend the hearing. In accordance with rule 47 of the Employment Tribunals Rules of

- Procedure, I decided to proceed with the hearing in the absence of both parties.
2. I took account of the contents of the Claimant's ET1 claim form presented on 16 November 2017 and the Respondent's ET3 response presented on 18 December 2017.
  3. The Claimant stated in his claim form that Mr Gerald Patrick Houston Martin was his employer but in the particulars of complaint attached to the claim form he referred to Mr Gerry Martin trading as The Foresters (Bagshot) Limited.
  4. In the response form Mr Martin said that Mr Frazer was employed by The Foresters (Bagshot) Limited but he gave the same address as the Claimant had stated in the claim form.
  5. I was satisfied therefore that both Mr Martin personally and the company Foresters (Bagshot) Limited had received notice of the claim and I therefore joined Foresters (Bagshot) Limited as the 2<sup>nd</sup> Respondent in the proceedings.
  6. The Claimant did not quantify his claim for holiday pay.
  7. The Respondent stated that *"On behalf of the company, I offered a figure of £500 holiday pay to Mr Frazer when I was telephoned by the conciliation service. I was subsequently telephoned by the service to say that Mr Frazer had accepted this offer. Since then I have heard nothing until receiving this notice today. The offer still stands."*
  8. In the circumstances, I considered that there was sufficient evidence to support a finding that the Claimant was owed holiday pay amounting to £500, on the termination of his employment, for untaken holiday.
  9. I therefore awarded this sum.

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Employment Judge Vowles

Date: 6 June 2018

Sent to the parties on: .....

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For the Tribunal Office