

**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4105344/2017**

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**Held at Glasgow on 11 January 2018**

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**Employment Judge: Ms M Robison**

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**Mr M McKirdy**

**Claimant  
not present and not  
represented**

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**Flodigarry Hotel**

**Respondent  
No appearance**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the Employment Tribunal is that the claimant's claims for unpaid wages and outstanding holiday pay succeed, and the respondent shall pay to the claimant the following sums:

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1. SEVEN HUNDRES AND THIRTY NINE POUNDS AND SEVENTY ONE PENCE (£739.71) in respect of unpaid wages; and
2. SEVEN HUNDRED AND EIGHTY POUNTS AND EIGHTY PENCE (£780.80) in respect of unpaid holiday pay.

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**REASONS**

1. This case called for a hearing but there was no appearance for the claimant. When contacted by telephone by the clerk, the claimant advised that as he had been asked for more information he had not appreciated that he was still required to attend.
- 5 2. In this case, the claimant is seeking outstanding unpaid wages following the termination of his employment with the respondent on 7 July 2017, as well as outstanding holiday pay. A copy of his claim form was sent to the respondent on 30 October 2017.
3. In accordance with Rule 16 of Schedule 1 of the Employment Tribunals  
10 (Constitution and Rules of Procedure) Regulations 2013, the respondent was required to enter a response within 28 days of the date on which a copy of the claim was sent to them, but they failed to do so.
4. By letter dated 29 November 2017 the claimant was requested to supply the Tribunal with certain specific information in relation to quantification of loss.  
15 The claimant provided certain information on 12 December 2017, but was subsequently requested to specify the exact sum sought in respect of holiday pay by letter dated 10 January 2018. Given that was the day before the case was due to call for a hearing, the claimant was advised in that letter that the hearing would proceed in any event.
- 20 5. Although the case called for a hearing and the claimant was not present, I decided that I could determine the claims on the basis of the available material.
6. I therefore find that the claimant is due unpaid wages for the period from 29 June until 7 July 2017, that is 9 days at a daily rate of £82.19. The

respondent is therefore required to pay to the claimant the sum of £739.71 in respect of unpaid wages.

7. In respect of holiday pay, the claimant advised that he commenced employment on 22 February 2016, and took two weeks holidays from 3 to 17 November 2016. There was no evidence to indicate that the claimant would be entitled to carry forward any leave from one year to the next. In the circumstances, the claimant's holiday year commenced on 22 February 2017. He did not advise of having taken any holidays before the termination of his employment on 7 July 2017.

8. Given that the claimant has an annual entitlement to 28 days per year, I calculate on a pro rata basis that he was entitled to 9.5 days from the start of the holiday year until the termination of his employment. On the basis of a daily rate of £82.19 per day, I find that the claimant is entitled to the sum of £780.80 in respect of unpaid holiday pay.

**Employment Judge: M Robison**  
**Date of Judgment: 11 January 2018**  
**Entered in the Register: 12 January 2018**  
**and copied to parties**