



EMPLOYMENT TRIBUNALS

Claimant: Mr I Evans

Respondent: Singleton Birch Limited

HELD by: CVP

ON: 2 February 2022

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: Mr R Evans (brother of the claimant)

Respondent: Mr A Mellis, Counsel

JUDGMENT

The claims of no holiday pay and unauthorised deduction of wages are hereby dismissed upon withdrawal by the claimant.

REASONS

1. The claimant did not believe that he had been paid for some of his holidays and he did not believe that he had actually had some days off by way of holidays. He also made an application for unauthorised deduction of wages and at the outset realised that he could not pursue that claim as it had not been set out in his claim form.
2. The parties wished the Tribunal to consider whether the holidays were rolled up or not but that never became an issue during the hearing.
3. The claimant gave evidence. In his evidence he accepted that his holiday pay was included within his annual remuneration.
4. The claimant was claiming sum in excess of £29000 and it became clear that there was a conflict between that claim and his admission that he was paid for his holiday pay in his remuneration.

5. In the circumstances the Tribunal allowed him time and as appropriate access to Mr Mellis to consider what might be done further.
6. After a further period of proceedings the claimant decided to drop some of his claims, amending the claim for what was known as period one from 18 September 2017 until 15 March 2020 of £7034.26, which was now the total that he proposed to claim.
7. In order for the claimant to formulate a new period one claim the Tribunal took an early lunch.
8. After lunch the claimant tried to develop his amended claim but it was clear that it was not a holiday claim and that in any event it was unlikely that the claimant had suffered any loss. It was also apparent that there may be time issues as the period one claim had become detached from the period two claim which had gone.
9. As it was clear that the amended period one claim, which was all that was left, was not a holiday pay claim, the claimant indicated that he wished to withdraw his claim but he did not do this until after a short period was given for him to consult with his brother.

Employment Judge Shulman

Date: 16 February 2022

JUDGMENT SENT TO THE PARTIES ON
Date 18 February 2022