



EMPLOYMENT TRIBUNALS

Claimant: Mr L Mulligan
Respondent: The Knife & Cork Limited
Heard at: Nottingham On: 30 May 2022
Before: Employment Judge M Butler (sitting alone)

Appearances

Claimant: In person
Respondent: No attendance

Covid-19 statement:

This was a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V – video. It was not practicable to hold a face-to-face hearing because of the Covid-19 pandemic.

JUDGMENT

The judgment of the Employment Judge is that the Respondent is ordered to pay to the Claimant the gross sum of £533.54 in respect of accrued holiday pay.

REASONS

1. By a claim form submitted to the Tribunal on 9 December 2021, after a period of early conciliation, the Claimant claimed £533.54 in respect of holiday pay accrued but not paid by the Respondent during his employment as a kitchen porter. He claimed that he had accrued 63.82 hours of holiday from 1 April 2021 to 6 August 2021 which was payable at the rate of £8.36 per hour.
2. The Respondent denied the claim alleging that the Claimant had taken holiday during that period for which he had been paid and blamed an accounting

error for the failure to record this on the Claimant's payslips.

3. On 4 February 2022, the Tribunal made orders that, inter alia, the parties should exchange relevant documents and provide witness statements which they wished to rely on at today's hearing. The Claimant duly complied with the orders but the Respondent ignored them.

4. In particular, the Claimant provided copy payslips for the relevant period showing he had received no holiday pay, a breakdown of the sum owed and a witness statement confirming he had taken no holiday.

5. The Respondent had given conduct of the case to Mr Oliver Cleve, a director of the Respondent. At 10am when the hearing by CVP began, neither Mr Cleve nor any one else on behalf of the Respondent had joined the hearing. The clerk was directed to contact Mr Cleve by telephone to ascertain whether he would be attending. His reply was that he was not going to attend and had absolutely no interest in the case. I decided to continue with the hearing.

6. The Claimant gave evidence based on his witness statement. This evidence was supported by documentary evidence he had produced.

7. Since the Claimant's evidence was not challenged, it is appropriate to give judgment in his favour.

Employment Judge Butler

Date 30 May 2022