



Case Number 1305370/2023  
Type V

# EMPLOYMENT TRIBUNALS

**Claimant**  
**Mr I Preutescu**

**BETWEEN**  
**AND**

**Respondent**  
**Ultrafilter Medical**  
**Limited**

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham **ON** 20 December 2023

**EMPLOYMENT JUDGE GASKELL**

### Representation

**For the Claimant:** No Appearance  
**For the Respondent:** No Appearance

## JUDGMENT

**The Judgement of the tribunal is that:**

- 1 There is an award to claimant payable by the respondent for unpaid wages (bonus) of £500 gross.
- 2 There is an award to the claimant payable by the respondent for unpaid holiday pay in the sum of £1012.66 gross.

**Total Award** £1512.66 gross

### Note

The sums awarded at Paragraphs 1 and 2 above are gross sums. Upon payment, the claimant will be liable for any amounts due for Income Tax and National Insurance Contributions.

## REASONS

1 The claimant in this case is Mr Iulian-Marian Preutescu who was employed by the respondent, Ultrafilter Medical Limited, as a Setter Supervisor. The precise dates of the claimant's employment are not set out anywhere in the papers before me, but I do have a copy of a P45 indicating that the claimant's employment ended on 30 April 2023. I have no information regarding the circumstances of the termination of the claimant's employment.

2 By a claim form presented to the tribunal on 4 August 2023, the claimant claims an unpaid bonus of £500 and £1012.66 for 10 days unpaid holiday pay.

Both claims are for gross sums - before payment of any tax or national insurance contributions which might be due.

3 By a letter dated 9 August 2023, the claim form appears to have been properly served on the respondent. The respondent was advised that the response to the claim was due to be filed with the tribunal by no later than 6 September 2023. No response has been received.

4 By letter dated 9 August 2023, both parties were informed that the case would be heard today by an Employment Judge sitting without members by CVP. The parties were sent joining instructions. On the same date, Case Management Orders were issued to the parties requiring the service by the claimant of a schedule of loss and for the parties to prepare a bundle and witness statements in readiness for today's hearing.

5 In purported compliance with the Case Management Orders, the claimant provided a schedule of loss indicating that he now seeks payment in respect of the unpaid bonus of £500; the previously claimed unpaid holiday pay of £1012.66; and additional previously unspecified eight days unpaid holiday pay in the sum of £810.13. This makes a total claim of £2322.79.

6 When the respondent failed to formally respond to the claim, and after receipt of the claimant's schedule of loss, the file was referred to a Legal Officer who was asked to consider whether or not it would be appropriate to enter a default judgement.

7 Legal Officer Singh directed that the case should remain listed for hearing before a Judge today because of the discrepancy between the sums claimed in the claim form (£1512.66) and the sums claimed in the schedule of loss (£2322.79). Legal Officer Singh thought it appropriate to give the claimant an opportunity to explain the discrepancy - and of course, if the respondent had appeared at the hearing it would have been permitted to comment.

8 In the event, neither party has appeared before the tribunal today notwithstanding that the hearing date was fixed and notified to the parties more than three months ago. Shortly before the appointed time today, the claimant contacted the tribunal to indicate that he was unavailable to attend today because of work commitments: he was happy for the Judge to determine the case by reference to the papers. I requested tribunal staff to contact the claimant to indicate that there was a discrepancy which the Judge wished to ask about and that it would be in his best interests to attend - nevertheless the claimant did not attend. The claimant indicated that he would be content for the case to be adjourned to a later date when he would attend.

9 I considered the possibility of an adjournment: but I concluded that this was disproportionate bearing in mind that valuable judicial time had been allocated to the case today and neither party had indicated before today they would have any difficulty in attending. Accordingly I decided not to adjourn.

10 In the absence of a response to the claim, and in the absence of any appearance or submissions by the respondent today, I am content to make judgement in the sum claimed in the claim form. I am not prepared to give judgement for the additional sum claimed in the schedule of loss as the respondent has had no formal opportunity to consider such a claim and respond to it.

11 Accordingly, I make an award in favour of the claimant for an unpaid bonus of £500 and unpaid holiday pay £1012.66. These sums are payable to the claimant by the respondent. The sums are expressed in gross terms and it will be for the claimant to ensure that appropriate income tax and national insurance contributions are accounted for.

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Employment Judge Gaskell  
20 December 2023