



EMPLOYMENT TRIBUNALS

Claimant: Mr M Weishaupt

Respondent: RQ Café Limited

Heard at: London Central in public by video

On: 22 May 2023

Before: EJ Isaacson

Representation

Claimant: in person

Respondent: Ms A Ganotaki, manager

JUDGMENT

1. The claimant's claim for unfair dismissal fails and is dismissed as he did not have two years' continuous service.
2. The claimant's claim for holiday pay succeeds. The respondent is ordered to pay to the claimant the gross amount of £673.10 or pay the claimant a net amount after paying the income tax and NIC to HMRC, for 5 days accrued holiday entitlement (daily rate £134.62 x 5 = £673.10 based on 9.5 weeks period).
3. The claimant's claim for notice pay succeeds. The claimant is entitled to one week's notice which is calculated at £673.10 gross pay based on an annual salary of £35,000. The respondent is ordered to pay to the claimant the gross amount of £673.10 or pay the claimant a net amount after paying the income tax and NIC to HMRC.
4. The claimant's claim for an unauthorised deduction from wages relating to pay for hours worked succeeds. The respondent is ordered to pay to the claimant the gross amount of £3651.20 or pay the claimant a net amount after paying the income tax and NIC to HMRC. This figure has been calculated based on 671 hours worked at £14 per hour = £9394;

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less payments received by the claimant made by the respondent totalling £4724.26; less income tax and NIC deducted from the claimant's pay in his pay slips for June (£651.01) and July (£367.53) amounting to £1018.54.

5. The total gross amount payable to the claimant by the respondent is £4997.40.

EJ Isaacson

Employment Judge Isaacson

22 May 2023

Date _____

JUDGMENT SENT TO THE PARTIES ON

22/05/2023

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.