



EMPLOYMENT TRIBUNALS

Claimant: Mr M Waite

Respondent: Logic Lifting Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The employment judge has decided that a determination can properly be made of the claim, in accordance with Rule 21 of the Rules of Procedure.
2. The respondent has failed to pay the claimant's annual leave entitlement of 97.9hrs and is ordered to pay the claimant the gross sum of **£939.84** (£408 gross weekly wage ÷ 5 days worked per week = £81.6 a day. £81.6 ÷ 8.5 hrs worked per day= £9.60 per hour. £9.60 X 97.9hrs =£939.84).
3. These sums are gross sums and should be paid in full by the respondent. The claimant is responsible for accounting to HMRC for any tax and national insurance due upon them.
4. No award is made in this judgment for the claim for an additional **£1,070** for 'time used to chase up money owed, contacting ACAS and having to miss a day's work for the tribunal'. That claim appears to the Judge to potentially be a claim in relation to costs/preparation time under rules 74-79 of the Employment Tribunal Rules of Procedure 2013 ("the ET Rules"). If the claimant wishes to make such a claim, he must make an application in writing to the Tribunal under rule 74 of the ET Rules no later than 28 days after this judgment is sent to the parties. He must copy that application to the respondent. The application must set out a breakdown of the costs/preparation time being claimed and explain why, having regard to rule 76 of the ET Rules, an order should be made in this case.

Employment Judge McDonald

Date: 10 March 2023

Case No:2410255/2022

JUDGMENT SENT TO THE PARTIES ON

20 March 2023

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2410255/2022**

Name of case: **Mr M Waite** v **Logic Lifting Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 20 March 2023

the calculation day in this case is: 21 March 2023

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office