



EMPLOYMENT TRIBUNALS

Claimant: Gavin Hosking

Respondents: (1) Keith Deeks
(2) Linden Dining Limited

Heard at: East London Hearing Centre (by CVP)

On: 12 December 2024

Before: Employment Judge Mr J S Burns

Representation

Claimant: in person
Respondent: No appearance

JUDGMENT

1. Linden Dining Ltd is added as Second Respondent.
2. The claims against the First Respondent are dismissed.
3. By 26 December 24 the Second Respondent must pay the Claimant £4100 being the sum of the following amounts:
 - Arrear salary for 9 days of work (1st to 10th but excluding 4th December 2023) £900.
 - Pay in lieu of holidays not taken (during April 23 - December 2023) £1700
 - 12 months' pension contributions deducted from pay by R2 but never paid to pension provider NEFT £1200
 - Compensation under section 38 Employment Act 2002 for R2's failure to provide a statement of employment particulars as required by sections 1 Employment Rights Act 1996 2 weeks pay £1500

REASONS

1. The ET1 was presented against the First Respondent personally but it is clear from the Claimant's evidence that he was employed by the Second Respondent and not by the First Respondent, who is not liable. I have accordingly dismissed the claim against the First Respondent and joined and entered judgment against the Second Respondent, which however has not had an opportunity to defend or attend the hearing. If the Second Respondent on substantial grounds disputes that it owes the above sums and it wishes to defend the claims it should apply for reconsideration of the judgment within 14 days of the date this document is sent out by the Tribunal Office. I have directed the Tribunal Office to send this judgment to the R2 registered address which is 1-3 Silver Street, Stansted, England, CM24 8HA. Any such application should be copied to the Claimant and give details of any proposed defence.
2. The Claimant gave evidence on oath on the basis of which I found that the above sums were due by the Second Respondent.

Employment Judge J S Burns
Dated: 12 December 2024