

THE INDUSTRIAL TRIBUNALS

CASE REF: 5680/18

CLAIMANT: Alan Moorcroft
RESPONDENT: Department for the Economy

DECISION (WAGES, HOLIDAY PAY AND NOTICE PAY APPEALS)

- (A) The claimant's wages appeal is not well-founded. Accordingly, that appeal is dismissed.
- (B) The claimant's holiday pay appeal was withdrawn. Accordingly, that appeal was dismissed.
- (C) The claimant's notice pay appeal was withdrawn. Accordingly, that notice pay appeal is dismissed.

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone): Employment Judge Buggy

APPEARANCES:

The claimant was self-represented.

The Department was represented by Ms Aisling Moody.

REASONS

1. The claimant was employed by Walsh Operations Ltd ("Walsh") until 31 March 2016. At that time, he was dismissed by Walsh, by reason of redundancy. Walsh is now in liquidation
2. The claimant applied to the respondent Department (in its capacity as the statutory guarantor in respect of certain employer-debts) for payments in respect of wages, holiday pay, notice pay and redundancy pay. Each of those applications was unsuccessful.
3. The claimant appealed against the Department's decisions in respect of wages, holiday pay, notice pay and redundancy pay.

4. The claimant's appeal in respect of redundancy pay was successful. (A separate decision in relation to that redundancy pay appeal has been issued recently). This is my decision in respect of the claimant's wages, holiday pay and notice pay appeals.
5. During the course of the appeal hearing, the claimant withdrew his claims in respect of holiday pay and notice pay.
6. Accordingly, the following reasons focus on the claimant's wages appeal.
7. According to the claimant, Walsh owes him wages in respect of a period of three weeks during August 2015.
8. However, the claimant has not provided any written or oral confirmation, from anybody other than himself, that that person knew, at any time prior to the termination of the claimant's employment, that the claimant was due any amount of unpaid wages, in respect of a period during August 2015.
9. I am not satisfied, on the balance of probabilities that the claimant is due any wages in respect of the August 2015 period. In arriving at that conclusion, I have had regard to all of the following:
 - (1) the lack of confirmation from others;
 - (2) the lengthy period which elapsed between the time when the wages debt allegedly accrued and the date of the claimant's application to the Department; and
 - (3) the claimant's oral testimony.

Employment Judge:

Date and place of hearing: 11 October 2018, Belfast.

Date decision recorded in register and issued to parties: