

THE INDUSTRIAL TRIBUNALS

CASE REF: 21620/20

CLAIMANT: Nikita Louise Swaffield

RESPONDENT: Carelli Enterprises Limited

JUDGMENT

The unanimous judgment of the tribunal, delivered in an oral decision with reasons at the end of the hearing, was as follows:-

- (1) That the claimant's claim for annual leave payment outstanding, at the termination of her employment, is well-founded against the respondent.
- (2) That the claimant's claim for notice pay outstanding, at the termination of her employment, is well-founded against the respondent.
- (3) That the respondent is hereby ordered to pay the claimant the sum of £558.28 in respect of outstanding holiday pay.
- (4) That the respondent is hereby ordered to pay the claimant the sum of £18.50 in respect of notice monies.

CONSTITUTION OF TRIBUNAL

Employment Judge: Employment Judge Sturgeon

Members: Mr A Barron
Mr B Heaney

APPEARANCES:

The claimant was self-represented.

The respondent did not attend and was not represented.

1. An oral judgment, with reasons, was given at the end of the hearing.
2. The tribunal found, for reasons which were delivered orally at the conclusion of the hearing, that the claimant's claim for payment of annual leave outstanding, at the termination of her employment, was well-founded against the respondent.

3. The tribunal also found that the claimant's claim for payment of notice pay outstanding, at the termination of her employment, was well-founded against the respondent.
4. The claimant's entitlement to holiday pay is calculated as:-
$$\pounds 8.21 \text{ (hourly rate)} \times 4 = \pounds 32.84 \text{ (daily rate)} \times 12 = \pounds 394.08 \text{ (gross)}$$
$$\pounds 8.21 \times 4 = \pounds 32.84 \times 5 \text{ (outstanding Bank Holiday payment)} = \pounds 164.20 \text{ (gross)}$$
5. The claimant's entitlement to notice pay is calculated as follows:-
$$\pounds 98.52 \text{ (weekly rate of pay)} \text{ less } \pounds 80.02 \text{ (Furlough money received)} = \pounds 18.52 \text{ (gross) (notice money outstanding).}$$
6. The tribunal concluded that the claimant is owed the sum of $\pounds 394.08$ for 12 days' outstanding annual leave. The tribunal also concluded that the claimant is owed an amount of $\pounds 164.20$ for a further five days' outstanding annual leave for days which were bank holidays.
7. The tribunal further concluded that the claimant is owed a sum of $\pounds 18.50$ in respect of notice pay.
8. The respondent is therefore ordered to pay the claimant a total amount of $\pounds 576.78$.
9. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 23 September 2021, Belfast.

This judgment was entered in the register and issued to the parties on: