



EMPLOYMENT TRIBUNALS

Claimant: Nicola Ford

Respondent: Andrea Ponting t/a Number 9 Bistro

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. **The claim of in respect of unlawful deductions in respect of accrued and unpaid holiday pay against the Respondent is well-founded. The Respondent is ordered to pay to the Claimant the gross sum of £284.70.**
2. **The Hearing on 25 February 2021 is cancelled.**

REASONS

1. The claimant was employed by the Respondent from 13 January 2020 to 02 August 2020 as a Chef de Partie. By a Claim Form presented on 26 November 2020, she brought a complaint in respect of outstanding holiday pay on termination of her employment. No response to the Claim was presented.
2. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.
3. Following contact with the Claimant's accountant regarding how much holiday she had accrued as of 21 July 2020, the Claimant was told she had accrued 157.64 hours. By the date of termination of her employment on 02 August 2020 this the amount accrued was 166.91 hours. She had taken no holiday during her employment. Her final payslip reflected a payment in respect of 138.44 hours leaving a shortfall of 28.47 hours at the rate of £10 an hour. The Claimant should have been paid that shortfall of £284.70. In the absence of any response to the claim, I was satisfied that that the Claimant had provided sufficient information to enable me to determine that holiday pay was due on the amount

claimed and to issue a judgment. I declined to make any award in respect of postage and the time spent in bringing the claim. I also declined to make any award of compensation as the Tribunal has no power to make such an award in respect of the complaint brought by the Claimant.

Employment Judge **Sweeney**

Date: 22 January 2021