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EMPLOYMENT TRIBUNALS

Claimant: Mr L Holland
Respondent: Galleon Travel 2009 Limited
Heard at: East London Hearing Centre
On: 6 November 2017
Before: Employment Judge Brown

Representation

Claimant: No appearance
Respondent: Ms Helen Bowden (Company Director)

JUDGMENT

The judgment of the Tribunal is that the Claimant's complaints of unlawful deductions from wages and failure to pay holiday pay are not well-founded and are dismissed.

REASONS

1 By a Claim Form presented on 19 August 2017 the Claimant, a bus driver, brought complaints of unlawful deductions from wages and failure to pay holiday pay against the Respondent, his former employer. The Claimant had been employed from 15 May 2017 to 21 July 2017. In his Claim Form, he said that he was repeatedly paid incorrectly by the Respondent and, then, not paid at all and had to leave the company because he was not being paid correctly.

2 On 29 August 2017 the Employment Tribunal sent to both parties a Notice of Claim and a Notice of Hearing. The Notice of the Hearing said that the hearing in the case will take place on 6 November 2017 at 10.00am.

3 The Respondent presented an ET3 Response on about 3 October 2017. In the

detailed Response, the Respondent said that, while there had been some errors with the Claimant's pay, the Claimant had been paid all the money to which he was entitled by way of wages and also by way of accrued holiday pay. The Respondent said that, after the Claimant left the employment, the Respondent had paid the Claimant his final salary with appropriate adjustments and two days' accrued holiday pay. The Respondent, therefore, denied that any money was owing to the Claimant, either by way of wages, or holiday pay.

4 The Claimant did not attend the hearing on 6 November 2017. The Respondent's director, Helen Bowden, did attend to give evidence. The Tribunal waited for 35 minutes after the scheduled start time of the hearing, to give the Claimant time to attend, in case he had been unavoidably delayed. The Claimant still did not attend and the Tribunal Service did not receive any message from him. The Claimant, therefore, did not attend to give evidence to establish that any pay was outstanding to him, or that he had not been paid holiday pay to which he was entitled. Ms Bowden did attend to give evidence to say that the Respondent had paid all the monies to which the Claimant was entitled. The burden of proof is on the Claimant to show that the Respondent had made unlawful deductions from wages and/or failed to pay him his accrued holiday pay. I accepted the Respondent's evidence that the Respondent had paid the Claimant all the sums to which he was entitled. Accordingly, I found that the Claimant did not suffer any unlawful deductions from wages, nor had the Respondent failed to pay him accrued holiday pay. I therefore dismissed the Claimant's claims.

Employment Judge Brown

15 November 2017