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# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N Pavlov

**Respondent:** Douglas Jessop & Son Ltd

**Heard at:** East London Hearing Centre **On:** 30 October 2017

**Before:** Employment Judge Prichard (sitting alone)

## Representation

**Claimant:** In person

**Respondent:** Not present or represented

## JUDGMENT

The judgment of the Employment Tribunal is that:-

- (1) The claimant's claims for arrears of pay and accrued holiday pay succeed.
- (2) The respondent is ordered to pay the claimant £8,202.48 (gross sum).
- (3) The claim for expenses also succeeds.
- (4) The respondent is ordered to pay the claimant £909.86 (tax free).
- (5) The respondent is ordered to pay the claimant a total of £9,122.34

## REASONS

1 The claimant worked for the respondent from 30 May to 17 July 2017. He is an HGV 1 lorry driver and was employed to drive an articulated lorry. The pay rate, he informs the tribunal, was attractive and he was sorry this did not work out. He was paid £12 per hour for the first 8 hours, £14.40 per hour thereafter, £16 per hour on a Saturday and £24 on a Sunday. The hourly rate includes the compulsory rest periods

for driver's maximum hours.

2 He was only paid one set of wages near the start. After that he was not paid at all. He was not reimbursed his expenses. He bought over £900 worth of diesel for the lorry, on his own credit card.

3 The claimant informs me that his immediate manager was Douglas Jessop the son of the founding manager. The owner of the business was Mr Albertus Croes. He suspects that Mr Croes acquired the company which had more debt than he was originally led to believe. He subsequently sold it with that debt. Mr Croes was delaying payment asking the claimant to bear with him because he had sizeable debts and there are text messages between the parties confirming that he put payment on hold.

4 The respondent presented an ET3 which consists of extensive admissions and agreement to the fact that the claimant was owed money. The claimant considers he was owed more than they have stated in their ET3. The respondent is claiming to have lost the claimant's records which if true would be unlawful under the drivers' hours legislation. The parties have had some discussion through the ACAS compulsory early conciliation.

5 In their ET3 the respondent agrees that they owe the claimant a total of £6,235.78. That was stated in the ET3 which was submitted on 20 September. They said that they would arrange payment of these sums to the claimant that he could then withdraw his claim, but it has not happened. The claimant held out for the full figure which in the event has been awarded by the judgment of this tribunal.

6 I have checked today that the company is still solvent and, apparently as far as official recordkeeping goes, in a good state of health and if it is carrying large debts as I am led to believe from what the claimant heard and also confirms the registered office is still 310 Lakes Innovation Centre.

7 The respondent also disinstructed their previous solicitor Green & Green, Bury St Edmunds. The tribunal took the special steps of forwarding the claimant's change of postal address (to Ipswich) and forwarded a fully informative calculation of what he is claiming in an email of 22 October 2017. The respondent had a chance to see that but has not responded and has not attended this hearing. I am satisfied that it is proper to give judgment for the full amount claimed today.

Employment Judge Prichard

21 November 2017