



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss E Bearne

**Respondent:** The Richmoor Hotel Ltd

**Heard at:** Southampton

**On:** 18 April 2018

**Before:** Employment Judge Kolanko

## Representation

Claimant: No attendance written submissions supplied

Respondent: No response or attendance

# JUDGMENT

The claimant's complaints in relation to unpaid wages/holiday pay are dismissed

# REASONS

1. This matter came before me by way of a claim brought by the claimant seeking unpaid wages and holiday pay. No response has been entered by the respondent, and the claimant notified the tribunal that she would not be attending today's hearing by reason of her poor health, but was content that I determine the case based upon her written submissions supplied to the tribunal. This I have done.
2. An initial problem presented itself that the respondent served with these proceedings is a company that was dissolved on 27 June 2017, a month before the claimant alleges she commenced employment at the Richmoor Hotel. It appears therefore that the company was being run by another party or parties, corporate or otherwise after June 2017, indeed I have seen correspondence from persons who purport to be involved in the running of the hotel written to the tribunal. Given the named respondent no longer exists, I would have been prepared to consider an amendment to join the appropriate respondent, which may well have necessitated postponing this hearing to enable proper service to be effected on the relevant respondent/employer. This however I find is unnecessary for the following reasons.
3. The claimant makes clear that her claim initially was for unpaid wages and holiday pay which she confirmed in subsequent correspondence shown to the tribunal was in the sum of £334.40 p. In addition to this her claim form

makes a claim for a sum of £5,000 referable to lost income for the months of October to December at £1500 per month, which she attributes to not receiving her P45 and her inability therefore to obtain alternative employment. She references being overdrawn and overdraft fees that she has incurred as a consequence which presumably made up the outstanding £500.

4. Correspondence from a person purporting to be involved in the hotel at the present time asserts that the sum purporting to be unpaid wages and holiday had been paid to the claimant, and the claimant in her letter dated 12 April confirms such such payment has been paid into her account.
5. The only outstanding claim is in respect of the 3 months lost income and bank and other charges in the sum of £500. As the claimant has only pursued a wages/holiday pay claim for which she has been paid, the only power vested in the tribunal award additional sums is contained in Section 24(2) of the Employment Rights Act 1996 which states:-

“Where a tribunal makes a declaration under subsection(1), it may order the employer to pay to the worker (in addition to any amount ordered to be paid under that subsection) such amount as the tribunal considers appropriate in all the circumstances to compensate the work of any financial loss sustained by him which is attributable to the matter complained of.”

6. The sums claimed by the claimant are referable to her not receiving her P 45 and not as result of the non-payment of wages. Accordingly I do not find that such sum is recoverable by the claimant against whoever was the claimant’s employer at the time.
7. Although the respondent as presently pleaded cannot be a party to any judgment, it is sufficient for me to dismiss the claim against the named respondent.

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Employment Judge Kolanko

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Date 18 April 2018

JUDGMENT & REASONS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE