



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4103458/2018

Mrs Lisa Simpson

Claimant

Paul Carracher

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaints of:-

- (a) Holiday pay
- (b) Arrears of pay
- (c) Payment for unpaid accrued wages

succeed and that the respondent shall pay to the claimant the total sum Nine Hundred and Nine Pounds and Fifty Pence (£909.50), comprised as follows :-

- (a) The sum of Four Hundred and Eight Pounds Only (£408) in respect of holiday pay.
- (b) The sum of One Hundred and Fifty Seven Pounds and Twenty Five Pence (£157.25) in respect of arrears of pay.
- (c) The sum of Three Hundred and Forty Four Pounds and Twenty Five Pence (£344.25) in respect of unpaid accrued wages.

REASONS

1. A copy of the claim form setting out the claimant's complaint was sent to the respondent on 19 April 2018. No response was received and a default judgment was issued on 12 June 2018. By email dated 25 July 2018 the claimant requested that the judgment be revoked and the claim re-served on the respondent at an alternative address. The claim was re-served on the respondent on 7 August 2018 at the address above requiring a response by 4 September 2018. No response has been received.
2. On the basis of the available material the Employment Judge decided she could properly determine remedy as follows:-
 - (a) In respect of the claim for unpaid accrued holiday pay, the respondent shall pay to the claimant the sum of Four Hundred and Eight Pounds Only (£408) in respect of six days holiday accrued in the period from 26 September 2017 until 15 December 2017.
 - (b) In respect of the claim for unpaid wages, the respondent shall pay to the claimant the sum of One Hundred and Fifty Seven Pounds and Twenty Five Pence (£157.25) being the balance due to the claimant for her working 37 hours in the period from 8 until 14 December 2017 but being paid only in respect of 18.5 hours worked in that period.
 - (c) In respect of the claim for other arrears of pay, the respondent shall pay to the claimant the sum of Three Hundred and Forty Four Pounds and Twenty Five Pence (£344.25) being one weeks 'lying time'; and unpaid wages for 40.5 hours work in the period from 26 September to 2 October 2017.

Employment Judge:	Mary Kearns
Date of Judgement:	10 September 2018
Entered in register:	17 September 2018
And copied to parties	