



EMPLOYMENT TRIBUNALS

Claimant: Mr B Veness

Respondent: Global Logistics Freight Solutions

Heard at: Lincoln

On: Monday 1 October 2018

Before: Employment Judge Blackwell (sitting alone)

Representation

Claimant: In Person

Respondent: Did not attend and not represented

JUDGMENT having been sent to the parties on 15 October 2018 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

JUDGMENT

1. In respect of the claim for unlawful deduction from wages in respect of holiday pay, that claim succeeds and the Respondent is ordered to pay to the Claimant the sum of £1,281.25
2. The claim of a failure to pay notice pay also succeeds and the Respondent is ordered to pay to the Claimant by way of damages, the net sum of £775.
3. The claim of an unlawful deduction from wages in respect of expenses also succeeds and the Respondent is ordered to pay to the Claimant the sum of £4,571.14.
4. In total, therefore, the Respondent is ordered to pay to the Claimant the sum of £6,627.69.

REASONS

Background and Issues

1. Mr Veness represented himself and gave evidence on oath. The Respondents were not represented nor were they present.
2. I should first make it clear that the claim proceeded in the absence of the Respondents or any representation in accordance with Employment Judge Hutchinson's case management summary and orders sent to the parties on 21 August 2018.

Mr Veness provided a witness statement in accordance with those directions setting out his 3 elements of claim. As to the first this is for a period of holiday of 5 days that had accrued but was not taken in the leave year of 2017. In addition to that there is a further accrued holiday pay recognised by the Respondents in the final salary statement which they have declared to the Inland Revenue but have never paid to Mr Veness. That makes a total of 10.25 days of holiday pay. I calculate the daily rate at £125.00 giving a total of £1,281.25.

3. As to unpaid expenses Mr Veness has provided a full and comprehensive summary. It has been attacked in a number of ways by Mr Legg via his witness statement of 23 August. I should note that Mr Legg purported to attach documents to his witness statement. He was told by the Tribunal that they were in fact not attached and he was instructed to provide those documents to Mr Veness so that they could be included in the bundle which Employment Judge Hutchinson ordered to be prepared. Mr Legg did not provide those documents so I am unable to take them into account.

4. Whilst on the subject of Mr Legg I should note that on a number of occasions he has indicated that he would provide Mr Veness with a cheque in respect of unpaid wages etc. He made that promise in the case management discussion with Employment Judge Hutchinson and he agreed that he would forward such cheque to the Tribunal so the Tribunal could forward that to Mr Veness. He has not done so. He has been invited to comment on why he has not done so and he has not so commented. Unsurprisingly therefore I put little weight on the comments and assertions made by Mr Legg in his witness statement.

5. Claim 3 of Mr Veness's witness statement relates in part to 5.25 days of holiday pay unpaid and I have dealt with that above. It also relates to one week's pay in respect of notice pay and again that is clearly payable and I calculate the net sum to be £775.00.

Employment Judge Blackwell

Date: 23 November 2018

REASONS SENT TO THE PARTIES ON
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FOR THE TRIBUNAL OFFICE