



## THE EMPLOYMENT TRIBUNALS

**Claimant**

**Ms R Wood**

EMPLOYMENT JUDGE GARNON

MADE AT NORTH SHIELDS

**Respondent**

**Mr Ray Henderson**

ON 6<sup>th</sup> December 2017

### **JUDGMENT (Liability and Remedy)** **Employment Tribunals Rules of Procedure 2013 –Rules 21 and 37**

The claim for compensation for untaken annual leave is well founded. I order the respondent to pay compensation to the claimant of £ 563.37 gross of tax and National Insurance. The Hearing listed on 3<sup>rd</sup> January 2018 is cancelled.

#### **REASONS**

1. The claim was presented on 26<sup>th</sup> and served on 27<sup>th</sup> October 2017. A response was due by 24<sup>th</sup> November but none was received. Employment Judge Johnson ordered further information from the claimant as to the amount claimed which she provided on 4<sup>th</sup> December 2017. I am required by Rule 21 to decide on the available material whether a determination can be made and, if so, obliged to issue a judgment which may determine liability and remedy. The claim form and further information contain sufficient to prove the claim on a balance of probability and determine the sum due.
2. The Working Time Regulations 1998 say in Reg 14 where a worker's employment is terminated during the course of a leave year, her employer shall make her a payment in lieu of untaken leave calculated by a formula. The claimant was employed from 10<sup>th</sup> October 2016 until 13<sup>th</sup> August 2017 a total of 306 days. Her pay was £120 per week, Her annual leave entitlement was 5.6 weeks. She was given no paid leave throughout. The calculation is  $(5.6 \times 120) \div 365 \times 306 = £ 563.37$

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**TM Garnon Employment Judge**  
**Date signed 6<sup>th</sup> December 2017**