



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Watson

**Respondent:** Coopers Fire Ltd

**On:** 24 January 2019

**Before:** Employment Judge Hargrove

**Representation**

**Claimant:** No attendance

**Respondent:** Mr J Buckle, Finance Director.

## JUDGMENT

All claims in the above case are dismissed, the claimant having failed to attend and the Tribunal being satisfied that they are not well-founded

## REASONS

The claimant failed to attend this hearing in which he pursues a claim of wrongful dismissal. The Tribunal waited 15 minutes after the time notified as the start of the hearing. In his absence, I considered the contents of his ET1, and heard evidence from the respondent's Finance Director, who referred to a bundle of documents. The claimant was employed by the respondent as a warehouse operative from the 15<sup>th</sup> of May 2017, having earlier worked as an agency worker from March 2017. He was dismissed on the 18<sup>th</sup> of June 2018 on one weeks notice. At the time of the expiry of the notice period, he had taken 17 ½ days paid holiday (plus paid bank holidays) against an accrued entitlement from the 1<sup>st</sup> of January to the 30<sup>th</sup> of June 2018 of 12 days (excluding bank holidays). The respondent deducted the overpayment of holiday entitlement in respect of five of the 5 ½ days holiday pay overpaid, thus extinguishing the claimant's entitlement to pay in lieu of notice, which was recorded in the claimant's final payslip dated the 29<sup>th</sup> of June 2018. It was a term incorporated into the contract of employment from the company handbook that "If the employee has taken more annual leave than he has earned, then a deduction will need to be made from final pay. This deduction is an approved deduction. Thus the claimant has no claim for unpaid notice pay.

---

Employment Judge Hargrove  
24 January 2019

---