



EMPLOYMENT TRIBUNALS

Claimant: Mr D Byrne

Respondent: Mancini UK Ltd

Heard at: Manchester

On: 29 September 2017

Before: Employment Judge Porter

Representation

Claimant: In person

Respondent: Mr B Rashidi, director

JUDGMENT

The judgment of the Tribunal is that:

1. The application by the respondent for an adjournment of the hearing is refused.
2. The Response is struck out on the grounds that the respondent has failed to comply with the Orders of the Tribunal.
3. The claimant was a worker within the meaning of s230 Employment Rights Act 1996.
4. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay to the claimant the gross sum of £424.92.
5. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay to the claimant the gross sum of £1,232.35.
6. The respondent failed to provide the claimant with a statement of his terms and conditions of employment and is ordered to pay to the claimant 4 weeks wages in the sum of £1,699.76.
7. The claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances the tribunal shall draw to the

attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Employment Judge Porter

Dated: 29 September 2017

JUDGMENT SENT TO THE PARTIES ON

4 October 2017

FOR THE TRIBUNAL OFFICE

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2402024/2017

Name of case: Mr D Byrne v Mancini UK Ltd

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 4 October 2017

"the calculation day" is: 5 October 2017

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office