



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr B Fletcher

Respondent

AND

Matthew Stevens & Son Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Bodmin

ON

1 March 2019

EMPLOYMENT JUDGE N J Roper

Representation

For the Claimant: Did Not Attend

For the Respondent: Did not attend

JUDGMENT

The judgment of the tribunal is that:

1. The respondent's application for reconsideration of the Judgment dated 15 January 2019 is dismissed; and
2. The claimant succeeds in his claim for breach of contract in respect of one week's notice pay and the respondent is ordered to pay the claimant the gross sum of £300.00; and
3. The claimant succeeds in his claim for accrued but unpaid holiday pay and the respondent is ordered to pay the claimant 11 days holiday pay in the gross sum of £660.00.

REASONS

1. In this case the claimant Mr Boris Fletcher brings monetary claims for breach of contract in respect of one week's notice pay and for accrued but unpaid holiday pay against his ex-employer Matthew Stevens & Son Ltd.
2. The respondent appeared not to have entered a response to the claimant's claims, and Judgment was entered in favour of the claimant under Rule 21 on 15 January

- 2019 and sent to the parties on 24 January 2019 (“the Judgment”). The matter was listed for hearing today to determine the appropriate remedy.
3. The respondent subsequently made an application to the effect that a notice of appearance had been completed and sent by first class post to the Tribunal office in December 2018 within the relevant time limit, and that letter attached a copy of the notice of appearance which the respondent asserted had earlier been filed. That application is accepted as an application for reconsideration under Rule 70. However, the respondent has failed to attend today’s hearing to pursue any application for reconsideration, and I have heard no evidence to support that application, and accordingly I dismiss it.
 4. Meanwhile the claimant had telephoned the Tribunal office to say that he had accidentally gone to court in Truro today, rather than this Employment Tribunal sitting in Bodmin Magistrates’ Court. In the meantime however he had provided the Tribunal with a schedule of loss confirming that he worked a seven a half-hour day at £8.00 per hour, which was £60.00 per day. His claim for one week’s notice is for five days’ pay or £300.00, and his claim for accrued holiday pay is for 11 days’ pay or £660.00. Accordingly I have entered judgment for these amounts as requested by the claimant, notwithstanding his absence.

Employment Judge N J Roper

Dated: 1 March 2019