



EMPLOYMENT TRIBUNALS

Claimant: Mr R Rayner

Respondent: JEDHP Limited
(formerly called Adson Manufacturing (Kent) Limited)

REASONS

1. On 21 December 2018 I issued a judgment pursuant to rule 21 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. The decision was sent to the parties on 2 January 2019. By an e-mail dated 16 January 2019 an unidentified individual from Brooke Home Developments Limited asked for written reasons for my decision. These are my reasons.
2. The Claimant presented his ET1 to the Employment Tribunal on 8 August 2018. He made reference to Brook Home Developments Limited in one section of the form but at section 8 he named the Respondent named above as his employer. He claimed payment for 8 days annual leave accrued but untaken at the date of termination of the contract. He also claimed the cost of tools. His ET1 included the hourly rate of pay.
3. On 7 September 2018 the tribunal service sent a ET2 ('Notice of a Claim') to the Respondent at its registered address. That letter informed the Respondent that it should complete and return any response by 5 October 2018. The letter was not returned in the post. No ET3 having been received by 5 October 2018, and no application for an extension of time having been made, I considered whether or not to enter a judgment pursuant to rule 21 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. That rule states:

21.—(1) Where on the expiry of the time limit in rule 16 no response has been presented, or any response received has been rejected and no application for a reconsideration is outstanding, or where the respondent has stated that no part of the claim is contested, paragraphs (2) and (3) shall apply.

(2) An Employment Judge shall decide whether on the available material (which may include further information which the parties are required by a Judge to provide), a determination can properly be made of the claim, or part of it. To the

extent that a determination can be made, the Judge shall issue a judgment accordingly. Otherwise, a hearing shall be fixed before a Judge alone.

(3) The respondent shall be entitled to notice of any hearings and decisions of the Tribunal but, unless and until an extension of time is granted, shall only be entitled to participate in any hearing to the extent permitted by the Judge.

4. I was of the opinion that I was able to make a determination of the claim on the basis of the information set out in the Claimant's ET1. The legal basis of the claim was clear as being a claim under Regulation 30 of the Working Time Regulations 1998. The Claimant gave me sufficient information to assess that he was entitled to payment in lieu of (at least) 8 days annual leave having started work on 30 October 2017 and finished on 29 June 2018. Annual leave would have accrued whether the Claimant was permanent or not. He told me he had taken 2 days of leave.
5. When drafting the judgment I noted that the Respondent had changed its name and entered the new name on the judgment.
6. I was able to calculate that the Claimant worked for 9 hours per day at the rate of £16 per hour. I was therefore able to calculate the total sum due to him as $8 \times 9 \times £16 = £1,152.00$ which is the sum I awarded.
7. The Claimant set out no legal basis for his claim for lost tools and I declined to make any award in respect of the same.
8. I note that the Respondent has not applied for a review of my decision to enter a judgment nor has it set out any basis for me conducting a review of my own volition.

Employment Judge John Crosfill

Date: 8 February 2019