



# EMPLOYMENT TRIBUNALS

**Claimant:**  
**Ms Kerry Binns**

**Respondent:**  
**Harehills Working  
Mens Club**

**Heard at:** Leeds

**On:** 26 April 2019

**Before:** Employment Judge R S Drake

**Representation:**

Claimant: In Person  
Respondent: No Attendance

## JUDGMENT

1. The Claimant has established that she was entitled to unpaid notice pay of £23.49 and unpaid holiday pay in the sum of ££618.57 and therefore she is awarded and shall be paid by the Respondents the sum of £642.06.

### REASONS

2. The Claimant gave evidence of her pay during employment and of having given but not being required or expected to work her full week of notice. The Respondent contested this in their Response but didn't attend today to give formal sworn testimony. so the Claimant's version of events was preferred. I took account of the written representation of the Respondent in their Grounds of Resistance attached to their ET3 Response but on the basis of seeing and hearing the Claimant and not being able to test the Respondent's case under examination, I preferred the evidence of the Claimant in all respects and find accordingly.
3. The Claimant has established she is entitled to accrued holiday not taken and pay not received in respect of such entitlement over the last two years and upto and including the notice period given. I find the rate of holiday pay was £148.77 per week and the number of weeks of her proved entitlement is 4.15. Thus she is entitled according to the evidence to 4.15 weeks holiday pay at the said rate and thus the sum of £618.57
4. The Respondent has failed to establish any basis or grounds for non-payment of the sums found top be due to the Claimant and in particular no

formal written agreement signed by the Claimant permitting withholding of pay for the wages and holiday pay due for the periods claimed by the Claimant.

5 Thus the Claimant is entitled to be paid by the Respondent the following: -

Item	£
Unpaid wages	23.49
Holiday pay	<u>618.57</u>
<b>Total</b>	<b><u>642.06</u></b>

I award Judgment and order that the Respondent shall pay to the Claimant the sum of £642.06

Employment Judge R S Drake

Date 1 May 2019

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.

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