



EMPLOYMENT TRIBUNALS

Claimant: Mr LS Davies

Respondent: Longmans Cheese Sales Ltd.

Heard at: Bristol

On: 3 May 2019

Before: Employment Judge Livesey

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT having been sent to the parties on 10 May 2019 and written reasons having been requested in accordance with rule 62 (3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. The claim and background

- 1.1 By a Claim Form dated 22 November 2018 the Claimant brought complaints of unpaid holiday pay and unlawful deductions from his wages.
- 1.2 The Respondent failed to lodge a Response by 27 December 2018 as required. On 16 January 2019, the Finance Director, Mrs Hooper, emailed the Tribunal to suggest that the Respondent had not seen the Claim Form. The Tribunal wrote to the Respondent on 19 January setting out precisely what it needed to do to avoid a judgment under rule 21 from being entered. Instead of filing a draft response, an application to extend time and/or an application for reconsideration, Mrs Cooper merely wrote again on 2 May 2019 with some information about the claim. The Respondent did not then attend the hearing.

2. The evidence and conclusions

- 2.1 The Claimant gave evidence in support of his claim.
- 2.2 As had been asserted in his Claim Form, he claimed to have suffered a deduction from his wages which was shown on his wage slip as a 'staff sale' but he had not been in work at the material time and alleged that he could not

have made the purchase. I awarded the Claimant the sum within paragraph 1 of the Judgment.

- 2.3 In relation to the unpaid holiday pay claim, the Claimant asserted that he had calculated his outstanding entitlement on the government website at 3.5 days, being £274.05 (the Claimant's letter of 1 December 2018 on the basis of basic pay of £7.83 per hour). I took into account the Respondent's email of 2 May, which contended for an entitlement of 2.5 days (£168.28) but it was not present to counter the Claimant's assertions and was prevented from any active involvement by virtue of the operation of rule 21. I was satisfied with what the Claimant told me in relation to his outstanding entitlement on the balance of probabilities. Accordingly, paragraph 2 of the Judgment was entered in his favour.

Employment Judge Livesey

Date: 15 May 2019