



EMPLOYMENT TRIBUNALS

Claimant: Mr A Jenn
Respondent: Reactivum Maintenance Ltd
Before: Employment Judge Havard

JUDGMENT ON RECONSIDERATION

In respect of the Claimant's request for a reconsideration of the default judgment of 4 March 2019, it is ordered that:

The request for a reconsideration is granted and the Respondent is ordered to pay to the Claimant the sum of £4,301.28.

REASONS

On 4 March 2019, in the absence of an ET3 response form from the respondent, and there being sufficient material before me to enable a proper determination to be made, I upheld the following claims:

- Unpaid Wages: £ 1643.49
- Unpaid Holiday Pay: £ 844.80
- Unpaid Notice Pay: £ 360.80
- Unpaid expenses: £ 120.00

Total £ 2969.09

I ordered the claimant to be responsible for any income tax or employee national insurance contributions that may be due on the sums awarded in respect of unpaid wages and unpaid holiday pay.

I acted in accordance with my powers under Rule 21 of the Employment Tribunal's Rules of Procedure 2013.

Subsequent to the judgment of 4 March 2019, the Claimant's wife has corresponded with the Tribunal to indicate that the figures set out above in respect of the claim for unpaid wages and notice pay are in fact the net, as opposed to the gross, figures, and requested the judgment to be amended on the basis that the Claimant will be responsible for any income tax or employee national insurance contributions.

I have considered the email from the Claimant's wife of 7 April 2019, the schedule of loss as at 4 April 2019 and the documentation in support. In the interests of justice, I am prepared to reconsider the terms of the judgement and revise the claims in respect of unpaid wages and notice pay to reflect the gross, as opposed to the net, figures. This is on the basis that the Claimant did not realise that he would be responsible for payment of income tax and employee national insurance contributions.

I therefore uphold the following claims in the following revised amounts:

- Unpaid Wages: £ 2,896.48
- Unpaid Holiday Pay: £ 844.80
- Unpaid Notice Pay: £ 440.00
- Unpaid expenses: £ 120.00

Total £ 4,301.28

Employment Judge R Havard
Dated: 30 May 2019

JUDGMENT SENT TO THE PARTIES ON

.....31 May 2019.....

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS