



## EMPLOYMENT TRIBUNALS (SCOTLAND)

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**Case No: 4102868/2019**

**Held in Dundee on 14 June 2019**

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**Employment Judge I McFatridge**

**Mr K Sharp**

**Claimant  
In person**

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20 **The Crepe Shack**

**Respondent  
Not present and  
not represented**

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### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

30 The judgment of the Tribunal is that Ben Larg and Margaux Larg t/a The Crepe Shack, 2 Foodie Cottage, Foodieash, Fife KY15 4PS be added as respondents in the case.

### REASONS

- 35 1. The claimant submitted a claim to the Tribunal in which he claimed various sums due following the termination of his employment. The claim was raised against "The Crepe Shack", 2 Foodie Cottage, Foodieash, Fife. The claimant

E.T. Z4 (WR)

indicated that he had worked at “The Crepe Shack”, Kinshaldy Beach, Leuchars.

2. No response was submitted within the statutory period and a hearing was fixed. At the hearing I indicated to the claimant that I was not satisfied that the respondent was properly designated. The claimant indicated that he had spoken to ACAS regarding the matter and understood The Crepe Shack to be a business name. Following discussion regarding the likelihood that the claimant would be unable to enforce any judgment obtained against The Crepe Shack it was agreed that the designation of the respondent be amended as noted above. The effect of this is that the claim will have to be served on Mr and Mrs Larg and they will require to be given time to submit a response if they wish. The claim will then proceed as accords.
3. In order to assist any Judge dealing with this in the future I did briefly look at the claimant’s calculation. He provided a spreadsheet setting out the total number of hours he had worked for the respondent and the total number of hours for which he had been paid. It was clear from this that the claimant was due to be paid for a further 19 hours at his hourly rate of £7.50 per hour.
4. The claimant had not received any paid holidays during his whole period of employment. The claimant had calculated that during his period of employment he had worked a total of 795.75 hours. Applying the guidance on the government website he calculated his holiday entitlement in terms of hours at 12.07% of this amounting to 96.047025 hours. This brings out a total of £720.3526875. Adding this sum to the sum of £142.50 which the claimant is due in respect of unpaid wages gives a total of £862.85 which is the sum being claimed by the claimant.

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**Employment Judge:**  
**Date of Judgment:**  
**Date sent to parties:**

**Ian Mcfatridge**  
**26 June 2019**  
**27 June 2019**