



EMPLOYMENT TRIBUNALS

Claimant: Mrs AJ Lavelle

Respondent: Mark Cutter trading as Mark Cutter Dice and Donuts

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the judgement sent to the parties dated 13 June 2019, is corrected as set out in block type at paragraphs 1 and 4.

Employment Judge Ross

Date 14 June 2019

SENT TO THE PARTIES ON

12 July 2019

FOR THE TRIBUNAL OFFICE

Important note to parties:

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



EMPLOYMENT TRIBUNALS

Claimant: Mrs A J Lavelle

Respondent: Mark Cutter t/a Dice and Donuts

Heard at: Manchester

On:

13 June 2019

Before: Employment Judge Ross

REPRESENTATION:

Claimant: Mr Stoneley (Lead Claimant)

Respondent: Mr Cutter

CORRECTED JUDGMENT

1. The claimant's claim for non payment of wages succeeds. I order the respondent to pay the claimant **£810** within 14 days of the date of this Judgment (33.5 hours for the week 23/8/17 to 27/8/17, 32 hours for the week 28/8/17 to 31/8/17 and 42.5 hours for the week 4/9/17 to 10/9/17 totaling **108** hours at £7.50 per hour).
2. I order the respondent to pay the claimant nine days' holiday pay at a sum of £45 per day which totals £315 for the holiday year 2017.
3. I make no award for accrued but untaken holiday for the holiday year 2018.
4. Therefore the total sum payable by the respondent to the claimant within 14 days of the date of this Judgment is **£1,125**.

CORRECTED REASONS

1. Immediately after the hearing Employment Judge Ross realised there has been an error in her arithmetic. She awarded the claimant 33.5 hours (23/8/17 to 27/8/17), 32 hours (28/8/17 to 31/8/17) and 42.5hours (9/9/17 to 10/9/17). $33.5 + 32 + 42.5 = 108$ hours multiplied by £7.50 is a total of £810 not £1,080. Accordingly, the Judgment of the sums due to the claimant is to be corrected, namely the sum due for unlawful deductions from wages is £810 plus the holiday pay of £315 making a total of £1,125.

Employment Judge Ross

Case No: 2415304/18

Date 14 June 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

12 July 2019

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2415304/2018**

Name of case(s): **Mrs AJ Lavelle** v **Mark Cutter t/a Dice and Donuts**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after

Case No: 2415304/18

the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **12 July 2019**

"the calculation day" is: **13 July 2019**

"the stipulated rate of interest" is: **8%**

MR S ROOKE
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.