



## THE EMPLOYMENT TRIBUNALS

**Claimant**  
**Ms Aimie Hankinson**

**Respondent**  
**Autumn Summer Taverns Limited**

**MADE AT NORTH SHIELDS**  
**EMPLOYMENT JUDGE GARNON**

**ON 1 October 2019**

### **JUDGMENT (Liability and Remedy )** **Employment Tribunals Rules of Procedure 2013 –Rule 21**

- 1 The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant £310 gross of Tax and National Insurance (NI)
2. The claim for compensation for untaken annual leave is well founded. I order the respondent to pay to the claimant compensation of £ 179.57 gross of tax and NI.
- 3.The Hearing listed for 15 October 2019 is vacated

### **REASONS**

- 1.. The claim was presented on 2 August and served on 19 August 2019. A response was due by 16 September but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if so, obliged to issue a judgment which may determine liability only or liability and remedy. I have in the claim form sufficient to enable me to find the claims proved on a balance of probability. After the claimant's response to information requested I also have enough to determine the sums to be awarded.
2. The claimant started work at The Park View Inn on 15 February 2019. Due to periodic non payment of wages she left on 21 May 2019. Her week's pay was £123.20 gross which is 16 hours at the National Minimum Wage. At the date of leaving she was owed £310 for work done. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 (the Act).
3. The law relating to compensation for untaken annual leave is in the Working Time Regulations 1998 (WTR). Regulation 14 says where a worker's employment terminates during the course of a leave year, and, on the date on which the termination takes effect, the proportion she has taken of the leave to which she is entitled in the leave year differs from the proportion of the leave year which has expired, her employer shall

make a payment in lieu of untaken leave. At the date of termination, the claimant had taken no paid leave. Her annual entitlement is 5.6 weeks . Multiplied by her weeks pay, divided by 365 and multiplied by the 95 days of the year which had expired, leads to compensation of £179.57.

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**TM Garnon Employment Judge**  
**Date signed 1 October 2019**