



THE EMPLOYMENT TRIBUNALS

Claimant
Ms M Larkin

Respondent
Stessa Leisure (Tynemouth) Ltd

EMPLOYMENT JUDGE GARNON
MADE AT NORTH SHIELDS

ON 14 October 2019

JUDGMENT (Liability Only)
Employment Tribunals Rules of Procedure 2013 –Rule 21

1. The name of the respondent is amended to that shown above without the need for re-service.
2. The claims of unlawful deduction of wages failure to pay compensation for untaken annual leave and wrongful dismissal (breach of contract) are well founded.
- 3 . I order the respondent to repay £153.85 wages unlawfully deducted.
4. I order the respondent to pay £ £538.46 compensation for untaken annual leave.
5. I order the respondent to pay £ 1666.66 damages for breach of contract.
- 6 The hearing listed for 11 November 2019 is cancelled.

REASONS

1. The claim was presented on 30 August 2019 against “*Stessa Leisure (Tynemouth)*” without the word “Limited”. Service was effected on the registered office as confirmed by a company search. No injustice is done by adding the word Limited to the title of the respondent. The response was due by 11 October 2019 but none was received.
- 2 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 remedy as well .

3. I have in the claim form sufficient information to enable me to find the claims proved on a balance of probability and to determine remedy. The law of unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 and that of compensation for untaken annual leave in the Working Time Regulations 1998. The common law provides a contract of employment may only be terminated with reasonable notice, which in this case is the contractual period of 4 weeks, unless the respondent shows gross misconduct has occurred which it has not.

TM Garnon Employment Judge
Date signed 14 October 2019