



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104815/2019

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Held in Glasgow on 27 June 2019

Employment Judge R Gall

10 **Mr M McMahon**

**Claimant
In Person**

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Tilly's Hair & Beauty

**Respondent
Not present and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the following sums are awarded to the claimant and the respondents are ordered to pay these amounts to him:

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(1) payment in respect of wages due to the claimant but not paid to him amounting to £102;

(2) payment in respect of breach of contract, non-payment of notice pay, amounting to £144;

(3) payment in respect of holidays accrued but untaken at date of termination of employment amounting to £168; and

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(4) bank charges being financial loss sustained by the claimant attributable to late or non-payment of sums due to him by the respondents, amounting to £22.40.

As stated at the Hearing, in terms of Rule 62 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, written reasons will not be provided unless they are asked for by any party at the Hearing itself or by written request presented by any party within 14 days of the sending
5 of the written record of the decision. No request for written reasons was made at the Hearing. The following sets out what was said at the conclusion of the hearing. It is provided for the convenience of parties.

REASONS

- 10 1. This case called for a hearing at Glasgow on 27 June 2019. The claimant appeared. He gave evidence. He also produced documents to substantiate his claim. The respondents had not entered form ET3 and the claim therefore proceeded as undefended.
- 15 2. I accepted the claimant's evidence as being credible and reliable. He set out in evidence four amounts which he said had not been paid to him by the respondents although due to him in respect of work carried out by him. The first of those related to £30 due around New Year of 2019. Secondly, a shortfall in respect of 1.5 hours which he had worked on 3 or 4 occasions over a 3 or 4 week period, resulted in payment due to him but unpaid of £36. There
20 was also an underpayment of £16 in respect of two extra hours worked by him on 12 March 2019. Finally there was a further underpayment of £20 also in respect of 12 March 2019. The last amount was due to him for the preceding week. These sums are due to be paid to him by the respondents. They are ordered to make payment to him.
- 25 3. The claimant was dismissed without notice. He was entitled to one weeks' pay in lieu of notice. That amounts to £144. The respondents are ordered to pay that amount to him.
4. The holiday year applicable in the case of the claimant was January to
30 December. When he was dismissed on 4 April 2019 he had accrued entitlement to a quarter of his annual leave. That comprises 7 days. He had

taken 4 days of leave in total, 2 of those due to the closure of the business on 1 and 2 January 2019. He had therefore accrued 3 days of holiday leave which was untaken at time of termination of his employment with the respondents. On the basis of 3 days' pay, applying a daily rate of £8 per hour for 7 hours, the claimant is entitled to £168 which the respondents are ordered to pay to him.

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5. Due to non-payment of notice pay and earlier late payments of weekly amounts, the claimant incurred bank charges, those amounted in total to £22.40 as confirmed by the bank statements produced by the claimant. The respondents are ordered to pay that amount to him.

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6. The claimant does not have two years' service and is therefore unable to bring a claim of unfair dismissal. I explored with him whether he was saying that there were other reasons for his dismissal which might have brought him into the category such that he was able to bring a claim of unfair dismissal either for example as a detriment due to whistleblowing or an act said to have been discriminatory. There did not appear to me to be any such grounds set out in the claim form and the claimant confirmed that he did not have such a basis of claim. The elements detailed above therefore comprise his claim and the monies awarded are as set out above.

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Employment Judge: R Gall
Date of Judgment: 27 June 2019
Date sent to parties: 8 June 2019

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