



EMPLOYMENT TRIBUNALS

Claimants: Miss Ashleigh Butterworth

Respondent: Dawnvale Café Components Limited

Heard at: Manchester (in public) **On:** 25 November 2019

Before: Employment Judge Hoey (sitting alone)

Representatives

For the claimant: Representing herself

For the respondent: Not present nor represented

JUDGMENT

The claimant is awarded the gross sum of £182.69 in respect of accrued holiday pay which the respondent accepted she was due to be paid in terms of correspondence dated 1 July 2019

Reasons

1. This case called for a final Hearing in respect of a claim for accrued holiday pay. The respondent had not attended and my clerk tried to call the respondent but with no success. Both parties had been advised as to the date of Hearing and no communication had been received by the respondent explaining their non-attendance.
2. I explained the position to the claimant and stated that it was still necessary for the claimant to explain what she was seeking and why, notwithstanding the respondent's non-attendance.
3. The claimant explained that upon termination of her employment she was told she would receive a sum in respect of the holidays that would have accrued during her notice period, namely 2.5 day's pay.

4. The claimant produced a letter dated 1 July 2019 where the respondent expressly accepted that the claimant would be paid (and was due to be paid) the holidays which would accrue during the notice period.
5. The claimant had received the notice pay which the respondent had said she was due but they had failed to pay her for the holidays, liability in respect of which the respondent had accepted in the same letter.
6. The respondent had therefore accepted that the claimant was due to be paid the gross sum of £182.69 (her accrued holiday entitlement during that period).
7. The claimant is therefore entitled to judgment in respect of £182.69, being the accrued holiday entitlement due to the claimant as agreed with the respondent.

Employment Judge Hoey

Dated: 25 November 2019

JUDGMENT SENT TO THE PARTIES ON

12 December 2019

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2411316/2019**

Name of case: **Miss A Butterworth** v **Dawnvale Cafe**
Components Ltd

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 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 December 2019

"the calculation day" is: 13 December 2019

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

MR S ARTINGSTALL
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-guidet426

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.