



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107137/2019

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Held in Glasgow on 14 August 2019

Employment Judge S Cowen

10 **Mr SR Freeman**

**Claimant
In Person**

White Elephant (WE Glasgow Limited)

**Respondent
Represented by:
Not present and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The claimant's claim was filed within the statutory time limit and the Tribunal
20 thereby has jurisdiction to hear the claim.
2. There be Default Judgment to the Claimant as the Respondent has failed to
file an ET3 or to apply for any extension within the time set by the Tribunal.
3. The Respondent shall pay the Claimant £201.02 in unpaid holiday pay.

REASONS

- 25 4. The claimant brought a claim for unpaid holiday pay. The parties were notified
by the Tribunal of a final hearing to be heard on 14 August 2019. They were
subsequently notified of a preliminary hearing the same day to deal with the
issue of time bar.
5. The Respondent did not file an ET3 by the date of 28 June 2019 as required
30 by the Notice of Claim, nor did they apply for an extension of time.

E.T. Z4 (WR)

6. The Claimant attended on 14 August for the purposes of the Preliminary Hearing and provided documents for use with regard to the time bar issue. There was no attendance on behalf of the Respondent.
7. The Tribunal heard evidence from the Claimant and was satisfied that the Claimant expected to be paid for holiday which was accrued but not taken, on 13 March 2019, having requested the same from the Respondent by email on 15 February 2019 and 4 March 2019. This was the next date of payroll payment after his termination of employment. The Tribunal found that the start of the limitation period was therefore 13 March 2019.
8. The Tribunal noted the ACAS certificate commenced on 13 March 2019 and was issued on 3 April 2019. The ET1 was received by the Tribunal Service on 29 May 2019 and was therefore within the three month time limit for such claims under s.23 Employment Rights Act 1996.
9. Having found that the claim was in time, the Tribunal considered that Default Judgment could be made for the Claimant, as the Respondent has failed to file and ET3 by the notified date.
10. The Tribunal then considered the evidence of the Claimant in relation to the amount claimed and concluded that the Claimant was owed £201.02, as claimed. There was no evidence to controvert this claim. Judgment to the Claimant for the sum claimed was made.

Employment Judge: S Cowen
Date of Judgment: 14 August 2019
Date sent to parties: 16 August 2019