



# THE EMPLOYMENT TRIBUNALS

**Claimant**  
**Ms S Baker**

**Respondent**  
**Mr Steve Ross t/a "The Plough"**

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

**ON 27 January 2020**

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

- 1 The claim for compensation for untaken annual leave is well founded. I order the respondent to pay to the claimant compensation of £ 370.76 gross of tax and NI.
- 2.The Hearing listed for 31 January 2020 is vacated

## **REASONS**

1. The claim was accepted on 26 November 2019 and served on 13 December 2019 on a business address of the respondent .A response was due by 10 January 2020 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. Employment Judge Johnson asked the claimant to provide some figures for pay which she did. I now sufficient to enable me to find the claims proved on a balance of probability and to determine the sums to be awarded.

2. 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. She was owed 45.16 hours pay at termination and her pay rate was £ 8.21 per hour.

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**TM Garnon Employment Judge**  
**Date signed 27 January 2020**