



EMPLOYMENT TRIBUNALS

Claimant: Mr M Ciobanu

Respondent: Active Response
Security Services Ltd

PRELIMINARY HEARING BY TELEPHONE

Heard at: By telephone

On: 5 May 2020

Before: Employment Judge Davies

Appearances

For the Claimant: In person

For the Respondent: Did not attend

JUDGMENT

EMPLOYMENT TRIBUNAL RULES OF PROCEDURE RULE 21

1. This hearing was conducted by telephone. The Claimant did not object. The respondent has not communicated with the Tribunal. The form of remote hearing was A (Audio). A face to face hearing was not held because it was not practicable to do so and all the issues could be dealt with by telephone. I had before me the claim form and further information provided by the Claimant.
2. The Claimant's claim of failure to pay him in lieu of holiday that was accrued but not taken when his employment ended is well-founded and succeeds. The Respondent shall pay him **£69.79** (8.5 hours x £8.21 per hour).
3. On the information before me, when these proceedings were begun the Respondent was in breach of its duty to give the Claimant a written statement of employment particulars. There are not exceptional circumstances that would make it unjust or inequitable to make the minimum award of two weeks' pay under section 38 Employment Act 2002 but there is nothing to suggest that it would be just and equitable to award four weeks' pay. The Respondent must therefore pay the Claimant a further **£565.46** (275.5 hours worked in 8 weeks at £8.21 per hour, 1 week's pay = £282.73).

Employment Judge Davies
5 May 2020

