



# EMPLOYMENT TRIBUNALS

**Claimant: Anais Barcelo**

**Respondent: Syed Naveed Shah (also known as Syed Javed and Naveed Shah)**

## JUDGMENT

**Employment Tribunals Rules of Procedure 2013 – Rule 21**

**Upon the Respondent failing to file an ET3 within the time limit imposed by rule 16 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

**AND Upon considering the information provided by the Claimant in her ET1 and at the preliminary hearing by telephone that took place on 23 April 2020**

1. The Claimant's claim for arrears of pay brought either under Part II of the Employment Rights Act 1996 or the same claim brought under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is well founded.
2. The Respondent is ordered to pay the Claimant the sum of **£2110.24** in wages calculated as 26 working days of 8 hours plus 17 occasions where an the Claimant worked an additional 2 hours = 242 hours @ the prevailing rate of the National Minimum Wage (National Living Wage) which is £8.72.
3. The Claimant's claim for travel expenses claim brought under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is well founded.
4. The Respondent is further ordered to pay the Claimant **£175.50** in travel expenses.
5. The Claimant's claim for accrued but untaken annual leave brought under regulations 14 and 30 of the Working Time Regulations 1998 is well founded. The Claimant worked for the Respondent from 13 August 2019 to 17 September 2019 inclusive = 36 days. Under Regulation 14 she is entitled to 28 days annual leave x 36/365 = 2.8 days holiday. Taking into account her additional hours the average daily rate of pay was £2110.24/26 = £81.16. The Claimant is therefore entitled to compensation of £81.16 x 2.8 = £227.25.

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6. The Respondent is further ordered to pay the Claimant the sum of **£227.25** in respect of accrued but untaken annual leave pursuant to regulations 14 and 30 of the Working Time Regulations 1998.
7. For the avoidance of doubt the Respondent is ordered to pay the Claimant the total sum of **£2512.99** (£2110.24 + £175.50 + £227.25)
8. The recoupment regulations do not apply to the said awards.

Employment Judge John Crosfill  
Date: 27 April 2020