



EMPLOYMENT TRIBUNALS

Claimant: Mr Eion McLoughlin

Respondent: Castle Valley Films Limited

JUDGMENT

1. Castle Valley Films Limited is substituted for Karim Prince Tshibangu and Aslam Parvez as the respondent.
2. The respondent has made an unauthorised deduction from the claimant's wages. The respondent is ordered to pay to the claimant £1200.00. This is the gross amount. If the respondent pays the tax and national insurance due to HMRC, payment of the net amount will meet the judgment debt.
3. The respondent failed to pay the claimant in lieu of entitlement to annual leave. The respondent is ordered to pay to the claimant the sum of £594.00.

REASONS

1. The claimant was employed by the respondent as a clapper/loader by the respondent from the 6 February 2019 until 6 April 2019 at the rate of £180 per day. The claimant was also required to carry out driving duties for which he was paid an additional £20 per day. The claimant was owed £1200 in unpaid wages at the date of termination of his employment. The claimant was entitled to 3.3 days holiday for the period of time that he was employed. It was agreed that the claimant would not take holiday and would be paid in lieu of taking holiday. The claimant was therefore entitled to the sum of £594 in respect of holiday pay at date of termination of his employment.
2. The claimant obtained an early conciliation certificate against Castle Valley Films Limited. The claimant then presented a claim against Karim Prince Tshibangu and Aslam Parvez who were the people behind Castle Valley Films Limited. The address for Castle Valley Films Limited and the address for Karim prince Tshibangu and Aslam Parvez was the same address.
3. Although the claim was made against Karim Prince Tshibangu and Aslam Parvez, and the EC certificate was against Castle Valley Films Limited the claim was accepted because it was considered in the interests of justice. The

claimant's claim was served on Karim Prince Tshibangu and Aslam Parvez. They did not respond to the claim.

4. The hearing of the claim was concerted to a telephone case management hearing because of the circumstances created by COVID-19. The claimant and respondents were both given notice of the hearing.
5. The claimant attended by telephone and confirmed that he had been employed by the named individuals who were trading as Castle Valley Films Limited. The claimant confirmed that the named individuals to his claim were in effect Castle Valley Films Limited.
6. I substituted the named individuals for Castle Valley Films Limited because from what the claimant told me the correct respondent was Castle Valley Films Limited. I did not consider that it was necessary or in the interests of justice to re-serve the claim as the respondent was aware of the proceedings. The basis of the claim is that Mr McLoughlin was not paid wages and holiday pay he was entitled to. Castle Valley Films Limited was through the named individuals well aware of this.
7. As the date for the presentation of a response has passed, the response should have been presented on the 27 August 2019, I am satisfied that the claimant is entitled to a judgment in the sums now claimed. I therefore give judgment to the claimant as set out above, pursuant to rule 21 of the Employment Tribunals Rules of Procedure 2013.

Employment Judge Gumbiti-Zimuto
Date: 8 April 2020

Sent to the parties on: .07/07/2020

Jon Marlowe
For the Tribunals Office