



EMPLOYMENT TRIBUNALS

Claimant: Mr S Cushing

Respondent: Evolution Corporate Acquisitions Limited

At: Central London Employment Tribunal

Before: Employment Judge Nicolle

JUDGMENT

1. The Respondent has failed to file an ET3 Grounds of Resistance.
2. Having considered the ET1, Employment Judge Nicolle has decided that a determination of the claim can properly be made without a hearing and the Judgment of the Tribunal, made under Rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 is as set out below.
3. The Respondent has unlawfully failed to pay wages to the Claimant for the period between 1 December 2019 and 14 February 2020 in the gross sum of £21,538.46.
4. Further, as result of the Claimant placing reliance on oral representations made by Maria Laura Iglesias, the Respondent's CEO, prior to his commencing employment with the Respondent that he would receive arrears of pay outstanding for June and July 2019 in his employment with Orwell Group Holding Ltd, he is owed the further net sum of £8,465.56 which sum should be grossed up.
5. The Claimant is also entitled to a gross sum of £4,442.30 in respect of his accrued holiday entitlement for his employment between 14 October 2019 and 14 February 2020 on the basis of an annual holiday entitlement of 33 days and the Claimant having taken no holiday. The claimant therefore has a prorated accrued holiday entitlement of 11 days which on the basis of 1/260th of annual gross salary gives a daily rate of £403.85.
6. The Claimant did not receive payment in respect of his 3 month contractual notice period provided for by clause 11.1 of his Contract of Employment dated 14 October 2019. The Claimant is therefore entitled to payment of the net sum of £16,244.34.

7. The Tribunal orders the Respondent to pay unpaid wages and accrued holiday entitlement to the Claimant of £25,980.76 together with a further sum calculated net, but to be paid gross, of £8,465.56 together with the net sum of £16,244.34 in respect of his notice period.
8. Where payments are made gross the Claimant will be responsible for all applicable tax and employee national insurance contributions.

Employment Judge Nicolle

22 June 2020

Sent to the parties on:

23/6/20

For the Tribunal:

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