



EMPLOYMENT TRIBUNALS

Claimant: Miss L Whistler

Respondent: Cygnet Events Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim of unlawful deduction of wages (arrears of pay) against the Respondent is well-founded. The Respondent is ordered to pay to the Claimant the gross sum of **£4,332**.
2. The Complaint in respect of accrued but untaken holiday pay under Regulation 30 Working Time Regulations is well founded and succeeds. The Respondent is ordered to pay to the Claimant the sum of **£1,635.80**.
3. The total amount the Respondent is ordered to pay the Claimant is **£5,967.80**.

REASONS

1. The claimant was employed by the Respondent as Programme Manager from 05 September 2018 until 28 August 2019 when she resigned for failure to pay her salary. At the date of termination of her employment she was owed unpaid wages for July and August 2019 amounting to £4,332 (£2,166 gross for each month) and payment in respect of untaken accrued holiday in the sum of £1,635.80.
2. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone. As no response was served by the Respondent and as there were 5 other claimants all of whom claimed against this respondent or a respondent with common directors and shareholders, all 6 claims were listed before me on 24 March 2020. The key issue appeared to be the identification of the correct respondent.

3. The Respondent was represented at that hearing by Mr Maurice Duffy (himself a named response in a linked claim by another claimant) the director and major shareholder of the Respondent. Although no response had been received in respect of any of those cases, Mr Duffy was given permission by me to make observations at the hearing and which were reflected in the case management summary subsequently sent to the parties. Mr Duffy confirmed that none of the sums claimed was in dispute and that Ms Whistler was employed by Cygnet Events Ltd. The proceedings were initially served on Maurice Duffy – Cygnet Events Ltd, but amended to Maurice Duffy. I ordered that the name of the Respondent be amended again to Cygnet Events Ltd. There was no need for re-service as Cygnet Events Ltd, originally named had received a copy of the Claim Form as confirmed by Mr Duffy.

4. I was satisfied, following the preliminary hearing as to the correct identity of the employer. I also considered that I had sufficient information to enable me to issue a judgment and was satisfied that the sums claimed were not in dispute. Therefore, I was satisfied that there was sufficient material to enable me to determine the claims as above.

Employment Judge **Sweeney**

Date: 8 June 2020