



# EMPLOYMENT TRIBUNALS

**Claimant**

Mr A Morosan

v

**Respondent**

N J C Retail Limited

**Heard at:** Watford (By Phone)

**On:** 16 June 2020

**Before:** Employment Judge Cassel

**Appearances**

**For the Claimant:** In person.

**For the Respondent:** No attendance.

## JUDGMENT

The respondent is to pay to the claimant the sum of £390 gross for unpaid holiday pay, and is to account to the claimant and HMRC for any tax and national insurance payable thereon.

## REASONS

1. This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was by telephone. A face-to-face hearing was not held because it was not practicable in view of the present healthcare crisis. I was provided with the claim form, and supporting documentation and the response form.

2. The claim was listed for hearing today and standard directions were issued by the regional judge. The hearing was listed for 2.00 PM and I am satisfied that both parties were informed of the hearing date and time and I was provided with copies of emails sent to the parties by the list office at Watford Employment Tribunal.

3. The claimant attended the telephone hearing and although the respondent's representative, Mr Neil Carroll, had provided a telephone contact number, various attempts were made to contact him but without success. I was not notified of any reasons why he could not attend nor that any application for an adjournment had

been made. I determined that the hearing should proceed and that it was in the interests of justice to do so.

4. The claimant told me that following the submission of the claim form and the response, full details had been provided to the respondent demonstrating that he was owed 39 hours holiday pay which was payable at £10 per hour. He gave some detail as to how that sum was calculated and confirmed that full details having been provided to the respondent, having had a request for a breakdown, there had been no further correspondence nor comment from the respondent.

5. I find that on the termination of his employment on 21 August 2019 he was owed holiday pay for 39 hours for untaken holiday. That sum has not been paid to him and I therefore order the respondent pay to the claimant the sum of £390. That is a gross payment on which tax and national insurance is payable and the respondent is to account to the claimant and HMRC for any tax and national insurance payable thereon.

6. In the circumstances the recoupment provisions do not apply.

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Employment Judge Cassel

Date: 16 June 2020

Sent to the parties on: .....

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For the Tribunal Office