



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Scott Dolan

**Respondent:** Eden Bar & Drink T/A Eden

## JUDGMENT

The judgment of the Tribunal is:

1. The Tribunal does not have the jurisdiction to consider the claimant's claims of unfair dismissal and failure to make a statutory redundancy payment which are struck out.
2. The claimant's claim for 5-days accrued unpaid holiday entitlement is well-founded and the respondent is ordered to pay to the claimant accrued unpaid holiday in the sum of £220 by admission of the respondent.

## REASONS

1. In a claim form received on the 4 August 2020 the claimant claimed unfair dismissal, failure to make a statutory redundancy payment, unlawful deduction of wages and accrued unpaid holiday pay.
2. In the claim form the claimant claims 5-days holiday calculated at £220. Liability for this claim in the sum of £220 has been conceded by the respondent in its ET3, and accordingly judgment is given in favour of the claimant without the need for a liability hearing on this issue.
3. The correct name of the respondent is Eden Bar and Drink Limited T/A Eden. Eden Bistro is not a legal entity.
4. On the 12 August 2020 the claimant was sent a strike out warning by the Tribunal on the basis that under the Employment Rights Act 1996 as amended, he was not entitled to bring a claim of unfair dismissal or failure to make a redundancy payment as he was employed from the 1 July 2019 to 16 July 2020, a continuous period of less than two years.

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5. In an email sent to the Tribunal on the 19 August 2020 the claimant asked that his claims not be struck out on the basis that the respondent acted badly, illegally and paid his wages late. The reasons set out by the claimant have no merit; essentially, he was not employed continuously for two years and the Tribunal does not have the jurisdiction to consider his complaint of unfair dismissal and a failure to make a redundancy payment.
6. The claimant's remaining claims of unlawful deduction of wages will be listed for a final hearing save with the exception of his claim that he borrowed money and wants this to be repaid, and universal credit payments missed or fines for tax being declared late by the respondent. The Tribunal does not have the jurisdiction to consider these complaints.
7. The parties will be advised of the hearing date in due course.

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Employment Judge Shotter  
9.9.20

JUDGMENT SENT TO THE PARTIES ON  
16 September 2020

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2409524/2020**

Name of case: **Mr S Dolan** v **Eden Bar & Drink T/A Eden**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **16 September 2020**

"the calculation day" is: **17 September 2020**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office