



EMPLOYMENT TRIBUNALS

Claimant: Mr Nathan Lavanini

Respondent: Aspire 4 Technology Group Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The claimant brought claims for unauthorised deduction from wages, notice pay, outstanding holiday entitlement and overtime payments. The respondent failed to respond and was notified that it could participate in remedy only. The claimant quantified its claim. The respondent has not made any representations on remedy.

The judgment of the tribunal is that:

1. The respondent has made an unauthorised deduction from the claimant's wages in that it has failed to pay any wages at the agreed rate of £16,000 per annum to the claimant for the period from 1 August to 1 December 2019. The respondent is ordered to pay the claimant £ **5333.32**
2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay one weeks notice pay at the agreed annual rate of £16,000 in the sum of **£307.69**
3. The respondent has failed to pay the claimant's holiday entitlement. The claimant was entitled to 28 days annual leave per year. The claimant was employed from 1 August 2019 to 1 December 2019. The claimant accrued 9.32 days annual leave at a daily rate of £61.52. The respondent is ordered to pay the claimant the sum of **£ 553.68**
5. The claimant has not established a contractual term entitling him to paid overtime. His claim for overtime payment fails.
6. The total payment due to the claimant being £ 5333.32 + £ 307.69 + £ 553.68 is **£ 6194.69**

Employment Judge **Aspinall**

Date: 13 August 2020

JUDGMENT SENT TO THE PARTIES ON
28 September 2020
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2401477/2020**

Name of case: **Mr N Lavanini** v **Aspire 4 Technology Group Ltd**

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: 28 September 2020

"the calculation day" is: 29 September 2020

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

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.