



THE EMPLOYMENT TRIBUNALS

Claimant

Mr Aidan Kydd

Respondent

Stessa Leisure (Stockton) Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 –Rule 21

**MADE AT NEWCASTLE
EMPLOYMENT JUDGE GARNON**

ON 21 September 2020

The Judgment of the Tribunal is:

1. The name of the respondent is amended to that shown above.
2. The claim of failure to pay compensation for untaken annual leave is well founded. I order the respondent to pay compensation of **£275.85** gross of tax and National Insurance (NI).
3. The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant **£ 443.34** gross of tax and NI.
4. The claim of wrongful dismissal is well founded. I order the respondent to pay damages of **£ 98.52** gross of tax and NI.
5. **The hearing listed for 24 September 2020 is vacated.**

REASONS

1. On 10 July 2020 the claim was accepted against Stessa Leisure Ltd. There are four companies each having in brackets the name of the town where it trades under the name Stessa Leisure. All have the same registered office . The claimant worked in Stockton and no injustice is done by adding (Stockton) to the title . It was served on 29 July by post to the respondent's registered office as confirmed by a company search. A response was due by 26 August but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and , if so, obliged to issue a judgment which may determine liability only or liability and remedy. I have in the claim form and replies to orders by Employment Judge Johnson for more details sufficient to enable me to find the claims proved on a balance of probability and determine remedy.

2. The law of unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 ("the Act"). The law of compensation for untaken annual leave is in the Working Time Regulations 1998. The common law provides employment terminated without reasonable notice is wrongful and damages are lost pay for the notice period , in this case one week .

EMPLOYMENT JUDGE T M GARNON
JUDGMENT AUTHORISED BY the EMPLOYMENT JUDGE ON 21 September 2020