



THE EMPLOYMENT TRIBUNALS

Claimant

Ms Nicola Kydd

Respondent

Stessa Leisure (Stockton) Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 –Rule 21

**MADE AT NEWCASTLE
EMPLOYMENT JUDGE GARNON**

ON 22 September 2020

The Judgment of the Tribunal is:

1. The claim of failure to pay compensation for untaken annual leave is well founded. I order the respondent to pay compensation of **£692.31** gross of tax and National Insurance (NI).
2. The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant **£ 2500** gross of tax and NI.
3. No claim of wrongful dismissal is pursued.

REASONS

1. On 20 March 2020 the claim was accepted against Stessa Leisure Ltd , served on 24 April and no response received by the due date. 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 on 18 June I caused a letter to be sent to her asking if her former employer was Stessa Leisure (Stockton) Ltd .She agreed , the title was amended and out of caution, the claim was served again on 3 August by post to the respondent's registered office as confirmed by a company search. A response was due by 31 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 an Employment Judge 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 law of compensation for untaken annual leave is in the Working Time Regulations 1998.

EMPLOYMENT JUDGE T M GARNON

JUDGMENT AUTHORISED BY the EMPLOYMENT JUDGE ON 22 September 2020