



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M A Eke

**Respondent:** (1) The Secretary of State for Business, Energy and Industrial Strategy  
(2) Carlauren Lifestyle Resorts Limited (In administration)

**Heard at:** Bristol                      **On:** 16 October 2020

**Before:** Employment Judge Midgley

## Appearances

**For the Claimant:** In person

**For the Respondents:** Did not attend

# JUDGMENT

1. The claim for holiday pay is well founded and succeeds. The first respondent is ordered to pay the claimant the sum of **£367.93 gross**.
2. The claims for notice pay and redundancy pay are dismissed on their withdrawal by the claimant.

# REASONS

3. These reasons are summary given the value and complexity of the claims in question.
4. The first and second respondents did not attend.
5. At the outset of the hearing the claimant withdrew his claims for notice pay and redundancy pay when I explained that the first respondent's liability for those payment was limited to statutory notice and redundancy pay and did not extend to the claimant's contractual entitlement.
6. The claimant maintained his claim for holiday pay.
7. I heard evidence from the claimant on oath and he produced a copy of his contract of employment with the second respondent and copies of his pay

slips he had received from them for the period January until June 2019. They did not record him having taken any annual leave in that period.

8. The claimant worked full time. His statutory annual leave entitlement for the period 1 January until 31 May 2019 was 11.6 days. The first respondent had paid the claimant for 8.03 days annual leave.
9. There was no evidence that the claimant had taken any annual leave in the period between 1 January and 31 May 2019; the first respondent's amended response did not identify that any had been taken, nor was any annual leave shown in the pay slips, as indicated above. I accepted the claimant's evidence that he did not recall whether he had taken any annual leave but that if he had it would be shown on his pay slips.
10. There was thus a balance of 3.57 days' pay at the gross daily rate of £103.06.

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Employment Judge Midgley

Date 16 October 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON

3<sup>rd</sup> November 2020

By Mr J McCormick

FOR THE TRIBUNAL OFFICE