



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M McMillan

**Respondent:** Mobile Bars To You Limited

**HELD AT:** Manchester

**ON:** 16 October 2020

**EMPLOYMENT JUDGE Batten** (sitting alone)

## Representation

**For the Claimant:** In person

**For the Respondent:** No attendance

# JUDGMENT

The judgment of the tribunal is that the respondent shall pay to the claimant the gross sum of **£934.65** in respect of holiday pay due at the termination of the claimant's employment.

# REASONS

1. The claimant submitted a claim to the Employment Tribunal on 12 May 2020, claiming that, when he resigned his employment on 1 March 2020, holiday pay was outstanding and owing to him by the respondent in respect of his accrued untaken holiday entitlement. On 15 June 2020 the respondent submitted a response to the claim in which it contended that the claimant had been paid his full salary each month and was therefore due no further money and it also disputed the claimant's calculations. The case was listed for a hearing.

## Evidence

2. The claimant presented a bundle of documents containing, amongst other things, his letter of appointment, copies of his payslips and copies of

WhatsApp messages between himself and the respondent's director/owner concerning the claimant's working arrangements and holidays.

3. The claimant gave evidence under oath that he worked for the respondent until he resigned on 1 March 2020. He was contracted to work for a salary of £27,000.00 per annum.
4. The holiday year for calculation purposes was 1 April to 31 March and the claimant was entitled to the statutory minimum holiday entitlement of 5.6 weeks' holiday per annum. In the final holiday year that he worked for the respondent, from 1 April 2019 to 1 March 2020 when he resigned, the claimant had accrued 26 days of holiday entitlement. He took 8 bank holidays when they fell due and took a further 9 days of holiday.

### Conclusions

4. The claimant claims payment of 9 days' holiday pay in respect of is accrued untaken holiday entitlement as set out in the ET1 section 8.2.
6. The Tribunal accepted the claimant's evidence. The claimant is therefore entitled to payment for accrued untaken holiday entitlement of 9 days' pay which equates to **£934.65** gross holiday pay.

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Employment Judge Batten  
16 October 2020

JUDGMENT SENT TO THE PARTIES ON

4 November 2020

FOR THE TRIBUNAL OFFICE



**NOTICE**

**THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990**

Tribunal case number: **2405703/2020**

Name of case: **Mr M McMillan** v **Mobile Bars To You Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment 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 judgment day" is: **4 November 2020**

"the calculation day" is: **5 November 2020**

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

For and on Behalf of the Secretary of the Tribunals