



EMPLOYMENT TRIBUNALS

TELEPHONE PRELIMINARY HEARING

Claimant: Mr M Flannery
Respondent: Your Choice 4 Care Limited

Heard at: By CVP **On:** 4 December 2020

Before:
Employment Judge JM Wade

Representation

Claimant: In person
Respondent: Ms Thompson/Mr Thompson (directors)

This has been a public hearing by CVP because of Covid 19. The parties were content the hearing be held in this way.

JUDGMENT

- 1 The claimant's complaint about holiday pay is dismissed, having been paid.
- 2 The claimant's breach of contract complaint succeeds.
- 3 The claimant's unlawful deductions of wages complaint based on entitlement to pay for 37 hours per week is dismissed.
- 4 I assess damages in respect of the respondent's breaches of contract/wrongful dismissal as fifty five hours work at £8.75 = £481.25, uplifted by 25% in respect of an unreasonable failure to follow the ACAS code.
- 5 The respondent shall therefore pay the gross sum of **£601.56** to the claimant.

Employment Judge **JM Wade**

Date: 3 December 2020

Note: a summary of the reasons for the Judgment above were provided orally on 4 December. Any request for written reasons shall be made in writing, **copied to all parties**, and submitted within 14 days of the sending of this Judgment. The judgment and any reasons requested appear on the public website shortly after they are sent to the parties.