



EMPLOYMENT TRIBUNALS

Claimant: Mr Michael Acheampong

Respondent: Supporting Young Futures

Heard at: East London Hearing Centre (by telephone)

On: 14 December 2020

Before: Employment Judge Housego

Representation

Claimant: In person

Respondent: Umar Muktar, of Peninsular Ltd

JUDGMENT

The Claim is struck out.

REASONS

1. The Claimant is, as the Respondent accepts, a worker entitled to holiday pay. He claims that he has not been paid holiday pay for 2018 and 2019 calendar years, during the whole of which he worked for the Respondent.
2. The Claimant has brought a claim in this Tribunal, 3201989/2020, in which he makes exactly the same claim, and race discrimination in addition.
3. The Claimant made a 3rd claim in this Tribunal, 3201842/2020, which was a claim rejected by the Tribunal.
4. The Claimant obtained judgment (in default of a response to his claim in that Court) in the Online Civil Money Claims County Court in matter number 150MC745, dated 19 August 2020 for £4,756.25 (being £4,571.25 and £185 costs). This was for the holiday pay claim.

5. It is impermissible to bring more than 1 claim for the same subject matter. The Claimant has now claimed 3 times in this Tribunal and obtained judgment in the County Court for the same claim.
6. Because judgment has been obtained in the County Court all the Claimant's claims for holiday pay brought in this Tribunal must be struck out, for otherwise there could be double recovery.
7. Where it necessary to leave one claim, it would be the later claim 3201989/2020, as that also has a race discrimination claim. There would be no point in leaving this claim (about holiday pay only) and striking out the holiday pay claim in the later case. There are not said to be time limit issues with the holiday pay claim in the later case. However, that is immaterial because the Claimant already has judgment for the holiday pay claim in another jurisdiction, and so all his claims for holiday pay in the Employment Tribunal must be struck out (under Rule 37).

**Employment Judge Housego
Date: 14 December 2020**