



EMPLOYMENT TRIBUNALS

Claimant: Mr M Baty

Respondent: THG North East Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The complaint in respect of unpaid wages is well founded and succeeds. The Respondent is ordered to pay to the Claimant the gross amount of **£768.96**.
2. The Complaint in respect of accrued but untaken holiday pay under Regulation 30 Working Time Regulations is well founded and succeeds. The Respondent is ordered to pay to the Claimant the sum of **£64.08**

REASONS

3. The Claimant was employed by the Respondent from 06 August 2020 to 24 August 2020.
4. He presented a Claim Form on 22 September 2020 bringing a complaint of unlawful deduction of wages under section 23 Employment Rights Act 1996 and a complaint under regulation 30 Working Time Regulations 1998 ('WTR') in respect of unpaid accrued leave. The proceedings were on the Respondent at its Registered Office with a response date of 28 October 2020. However, no response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
5. A further detailed breakdown of the amounts claimed was provided by the Claimant on 09 November 2020.

6. The Claimant worked for 2.4 weeks without any payment of wages having been made. He had accrued 1 day's statutory annual leave for which he was not paid on termination of employment.
7. I am satisfied from the information provided by the Claimant that his wages were not paid and that his employment was terminated without payment of outstanding holiday which he had accrued and for which he was entitled to payment on termination. Therefore, it was appropriate for a judgment to be issued to that effect.

Employment Judge Sweeney

14 December 2020