



THE EMPLOYMENT TRIBUNALS

BETWEEN

Mr Surasak Sukthong

Claimant

and

MLVH Limited

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

REGION: London Central

ON: 19 February 2021

EMPLOYMENT JUDGE: Mr Paul Stewart

MEMBERS: sitting alone

Appearances:

For Claimant: in person

For Respondent: Mr Andre Frullo, HR Manager

JUDGMENT

UPON CONSIDERATION OF:

- a. The Claim advanced by the Claimant for £1,100 being the agreed value of the claim for 3 weeks holiday pay;
- b. The Defence to the Claim advanced by the Respondent that the Claimant had signed a contract of employment containing a term that prohibited the roll-over of accrued holiday from one holiday year to the next [*“the Term”*];
- c. The failure of the Respondent to find and produce such a signed contract of employment or a copy thereof;
- d. The admission by the Respondent that the request that the Claimant made to take his rolled over holiday was initially approved by his immediate manager but subsequently declined by the Director of the business acting in reliance on the Term;
- e. The evidence other than a signed copy of the contract that the Respondent would have to locate and produce upon any adjourned hearing of this matter in order to establish its Defence.

BY CONSENT, IT IS ORDERED THAT:

The Respondent do pay to the Claimant the sum of £550 in full and final satisfaction of his claim to holiday pay.

Signed:

Paul Stewart

EMPLOYMENT JUDGE

On:

19 February 2021

DECISION SENT TO THE PARTIES ON

22 February 2021

AND ENTERED IN THE REGISTER

FOR SECRETARY OF THE TRIBUNALS