



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Lekston

**Respondent:** Honeyimhomefurnishings Ltd

**Heard at:** Manchester and remotely by CVP **On:** 26 February 2021

**Before:** Employment Judge Holmes

## Representatives

For the claimant: No attendance or representation

For the respondents: No attendance or representation

## JUDGMENT

### PURSUANT TO RULE 21 OF THE TRIBUNAL RULES OF PROCEDURE

**It is the Judgment of the Tribunal , the respondent having stated that it does not resist the claims, that :**

1. The respondent failed to pay the claimant his wages in full for the hours he worked in December 2019 and January 2020, and thereby made unlawful deductions from his wages in the total sum of **£1,045.20** . This is a gross sum, which the respondent is ordered to pay him, and the claimant is to be responsible for accounting to HMRC for any tax or national insurance due upon it.
2. The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded and the respondent shall pay to the claimant the sum of **£230.420** in respect of 3 days untaken but accrued holiday (holiday pay) at the rate of £76.80 per day. This is a gross sum, and the claimant should account to HMRC for tax and national insurance (if any) due upon it.

## REASONS

1.The Tribunal convened for the final hearing to determine the claimant's claims for arrears of pay and holiday pay. The hearing was listed for one hour, partly by CVP and for the claimant to attend in person.

2. There had been a previous hearing, on 30 November 2020 , by CVP, but the claimant found that he had technical difficulties, and required an Interpreter, so the hearing was postponed. It was subsequently directed that the claimant attend in person, but the respondent could participate by CVP.

3. Case Management Orders were made on the postponement, sent to the parties on 4 December 2020. They required the claimant to confirm his contact details, and also to provide to the Tribunal, and the respondent by 14 December 2020 confirmation of the amounts that he was claiming in respect of unpaid wages and holiday pay, and to confirm if these were gross or net sums. He was to provide his calculations. He did so by email of 6 December 2020. That email was, unfortunately , not referred to an Employment Judge before this hearing.

4. The claimant did not attend or participate in the hearing, and attempts to reach him by telephone proved unsuccessful. His daughter was, however, spoken to. Given that the claimant lives in Kent, it is perhaps as well that he did not in fact attend the hearing. His English is poor, and this may be why he was not aware of his need to take part in the hearing.

**5. Attempts by the Tribunal to reach the respondent by email have failed, although notice of the adjourned hearing was sent by letter of 4 December 2020 by post. As the ET3 filed states that the claims are not defended , the lack of participation in this hearing is academic. Fortunately the Employment Judge, on the information provided by the claimant , has been able to make the Rule 21 judgment above so no further hearing is necessary.**

6. The claimant should be aware, however, that there is a proposal by the Registrar of Companies to strike off the respondent from the Register of Companies, after which it will have no legal existence. That proposal was made on 5 January 2021 , and will be actioned two months later, i.e on 5 March 2021. The claimant may therefore wish to take the appropriate action to object and prevent that occurring. Enforcement of any award, however, is not a matter the Tribunal, and he must take the necessary steps to obtain payment of the sums due under the judgment.

**Employment Judge Holmes**

**Date: 26 February 2021**

Sent to the parties on:

1 March 2021

For the Tribunal:



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2405833/20  
Mr A Lekston v Honeyimhomefurnishings Ltd

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision 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 decision day" is: 1 March 2021

"the calculation day" is: 2 March 2021

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

MR S ARTINGSTALL  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

[www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.