



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs L Maddison  
**Respondent:** Kudanos Ltd  
**Heard at:** Nottingham by Cloud Video Platform  
**On:** Monday 1 March 2021  
**Before:** Employment Judge P Britton (sitting alone)

## Representation

**Claimant:** In person  
**Respondent:** No appearance

## ***Covid-19 statement:***

***This was a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V – video. It was not practicable to hold a face-to-face hearing because of the Covid-19 pandemic.***

# JUDGMENT

1. The claim for non-payment of outstanding holiday pay succeeds. The Respondent will pay the Claimant compensation of **£113.48 net**.
2. The claim for breach of contract, failure to pay notice pay succeeds,. The Respondent will pay the Claimant damages of one weeks pay namely **£331.59 net**.

# REASONS

1. The Claim (ET1) was presented on 20 November 2020. The grounds were clearly set out. In due course the claim of unfair dismissal was dismissed by a Employment Judge as the Claimant lacked the necessary two years qualifying service. This left the claims for notice pay and payment for accrued untaken holiday.
2. A Response (ET3) was presented by which the Respondent seemed to acknowledge the Claimant was at least owed some holiday pay but otherwise stated that the employment was continuing and thus there was no entitlement to notice pay.

3. In reply and as per her e-mail of 22 February 2021 and her statement of recent time, the Claimant repeated the particulars in the ET1, namely that she had been dismissed on the 2 November 2020.
4. For reasons I do not otherwise need to go into, on the 23 February 2021, Employment Judge Camp reiterated that today's hearing would proceed. This followed correspondence between the parties.
5. The Claimant has attended by CVP but the Respondent has not. I delayed starting whilst the Clerk unsuccessfully tried contacting the Respondent via the telephone number it had provided.
6. As to the outstanding holiday pay, the Claimant in the run up to this hearing received via her bank account £238 from it seems the Respondent. But this is an under payment. The Claimant was employed between 27 July 2020 and her dismissal without notice on the 2 November 2020. This is a period of 14 weeks. Thus as per the Working Time Regulations 1998 she accrued holiday entitlement at 1.66 days per month plus any bank holiday worked during this period, of which there was one. This is therefore a total of 5.36 days. Her net average weekly earnings were £331.59. As this was a 6 day working week this equates to £55.26 per day. Thus, this means a net holiday pay entitlement of £351.48 of which she has only been paid £238. Accordingly, she is due the balance of £113.48 net.
7. As to notice pay, she is as per s96 of the Employment Rights Act 1996 entitled to one week's pay. This is £331.59 net. Hence my award.

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Employment Judge P Britton

Date: 1 March 2021

JUDGMENT SENT TO THE PARTIES ON

4 March 2021

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FOR THE TRIBUNAL OFFICE