



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Liam Moore

**Respondent:** Vine Great Bardfield Limited

**Heard at:** East London Hearing Centre and initially by telephone

**On:** 22 March 2021

**Before:** Employment Judge John Crosfill

## Representation

**Claimant:** In person

**Respondent:** No appearance or representation

# JUDGMENT

Upon the Respondent informing the Tribunal that it did not intend to attend the final hearing despite an offer of adjustments to accommodate any hearing impairment and thereafter not attending on the telephone in accordance with the listing of the claim

And Upon the Claimant, having misread the notice of hearing, attending in person.

And Upon the Tribunal concluding that it was in the interests of justice to proceed with the full merits hearing in the absence of the Respondent.

AND Upon considering the Claimant's ET1 and the evidence given on oath by him.

AND Upon reading the ET3 and having regard to the admission that the Claimant was not permitted to work for a period of notice because of 'his attitude' and the assertion, not supported by any other evidence that the Claimant was paid £200 per week.

And Upon the Claimant giving evidence on affirmation that he worked in excess of 40 hours per week at an agreed rate of £500 per week.

1. The Claimant's claim for pay in lieu of notice in respect of the working week ending 2 October 2020 brought under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is well founded.
2. The Respondent is ordered to pay the Claimant the sum of **£500** in damages for breach of contract the said sum representing the wages that would have been paid had the Respondent not unlawfully terminated the contract of employment.
3. The Claimant's claim for payment in lieu of annual leave brought under Regulations 14 and 30 of the Working Time Regulations 1998 succeeds. At the date of termination the Claimant had accrued 3.2 working days of leave in excess of leave taken. He worked for 5 days a week. He is therefor entitled to be paid for  $3.2/5 \times £500 = £320.00$
4. The Respondent is ordered to pay the Claimant the further sum of **£320.00** in respect of accrued but untaken annual leave.
5. For the avoidance of doubt the total sum due to the Claimant from the Respondent is **£820.00**. The said sum is calculated gross of tax and national insurance and the Respondent shall satisfy this order by making payment of the said sum less any deductions of tax and national insurance required by law.

**Employment Judge John Crosfill**  
**Date: 24 March 2021**