



EMPLOYMENT TRIBUNALS

Claimant: Miss T Nixon

Respondent: Hotel Van Dyk Limited t/a Legends Sports Bars

Heard at: Leeds (on paper) **On:** 16 December 2020

Before: Employment Judge Knowles

JUDGMENT

The Respondent's application dated 30 November 2020 for reconsideration of the judgment sent to the parties on 18 November 2020 is refused.

REASONS

1. The Respondent has made an in-time application for reconsideration of the judgment on the following grounds:
 - a. The Claimant was not entitled to unpaid wages because of clause 17.3 in the employment contract.
 - b. The Claimant's 2019-2020 holidays were not taken and subsequently lost although the Respondent would happily pay her 2020-2021 accrual.
 - c. The Claimant is claiming something she is not entitled to.
 - d. The correspondence was sent to Legends Sports Bar but should have been sent to the Respondent's registered office.
2. There is disputed evidence on whether or not the Claimant ever received her contract of employment and that could have been resolved had the Respondent (a) entered a response and (b) attended the hearing and produced evidence.
3. The award concerning wages relates to disputed evidence concerning a

provision in a contract. See 3 above.

4. The award concerning holiday pay does not relate to 2019-2020 holidays. Any dispute concerning the amount of entitlement could have been resolved had the Respondent (a) entered a response and (b) attended the hearing and produced evidence.

5. There is nothing invalid in proceedings and correspondence having been served at the trading address at which the Claimant worked. The Respondent has not denied receiving any of the tribunal's correspondence.

6. No explanation has been provided by the Respondent why they have not entered a response to the claim or why they failed to attend the hearing. No previous applications have been made by them.

7. Taking into account the grounds of the application for reconsideration and considering them in the round with the comments above, my conclusion is that the Respondent has had a fair opportunity to address the tribunal on any points of substance but failed to do so.

8. There is no reasonable prospect of the original decision being varied or revoked for those reasons.

Employment Judge Knowles

Date 16 December 2020

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.