



EMPLOYMENT TRIBUNALS

Claimant: Mr R Allen
Respondent: Allen Brothers (Fittings) Ltd.
Before: Employment Judge B Elgot

DECISION FOLLOWING RECONSIDERATION **Rules 70 -73 Employment Tribunals (Constitution and Rules of Procedure)** **Regulations 2013**

1. The Claimant's email sent to the Tribunal on 26 April 2021 has been treated by me as a request for reconsideration of the short holiday pay judgment dated 6 April 2021 and sent to the parties on 8 April 2021.
2. The Respondents have been invited to comment on this application but no response has been received.
3. I consider that there is no reasonable prospect of the original decision being varied or revoked and I therefore refuse the application for reconsideration.
4. The holiday pay judgment was made as a result of the parties agreeing the amount due to the Claimant in respect of accrued and unpaid holiday pay. He confirms the agreed figure in his email to the Respondents and the Tribunal dated 23 March 2021.
5. The Tribunal did decline to engage in further 'discussion' about how mistakes in the calculation of holiday pay had '*occurred in the first place as this is more a matter of principal over financial reconciliation for myself*'. The Tribunal determined that such a discussion about whether there was a '*systematic approach [which] would need to be rectified with any employee who had similar issues*' or whether such issues arose '*from spiting myself*' were not relevant to the remaining issues it had to decide and in the context of an agreement in relation to the outstanding amounts payable.
6. The Claimant's subsequent application for reconsideration appears to be made because he says that the said agreed amount had not actually been paid by 6 April 2021 and was not received by him until 9 April 2021. He therefore says the judgment is inaccurate in stating that the '*agreed sum has been paid*'.

7. Apart from the fact that this is, put at its highest, a minor error I do not agree that there is a factual or procedural mistake in the judgment which requires reconsideration. This is because at the Hearing on 6 April 2021 (day 3) the Respondent's Finance Manager, Mr Ian Little, told the Tribunal that the relevant sum had been paid and that assurance was accepted by the Tribunal and recorded in the judgment. The fact that the payment took three days to reach the Claimant's bank account does not render the holiday pay judgment unsound.
8. The Claimant also objects to the deduction of tax and other deductions from the agreed holiday pay amount and alleges corporate fraud. The Claimant has already been notified that these are not matters over which the employment tribunal has jurisdiction and they are not grounds for a reconsideration of the holiday pay judgment.

Employment Judge B Elgot
Date: 10 June 2021