



EMPLOYMENT TRIBUNALS

Claimant: Mr A Powierski

Respondent: The Mosaic Spa Company

PRELIMINARY HEARING

Heard: BY TELEPHONE (BT MEET ME)

On: 16 September 2021

Before: Employment Judge JM Wade

Appearances

For the claimant: In person

For the respondent: No appearance

This has been a remote telephone hearing. The final hearing had been notified to the parties with the claim papers as a final video hearing. No response was presented by the return date and the Tribunal wrote to the parties on 2 June confirming that if the claimant provided further information there may be no need for a hearing. On 4 June the respondent uploaded a response form electronically but there was no accompanying explanation of why it was presented late, or seeking an extension of time, nor any other contact to the Tribunal on the file and it was not before me at the start of today's hearing. The claimant sent an email on 9 June with some information. He had also sought an interpreter for the hearing and I could confirm with him the information on the file in his first language.

There is sufficient information on the file for me to give a Rule 21 Judgment (that is where no response has been presented in time). If there is an application to extend time and set aside this Judgment, there will need to be a consideration of the potential merits of any defence. I observe from the respondent's defence to the claim (found by our clerk after the hearing had commenced) that it is inconsistent with the text message exchanges provided by the claimant in his email. I was also told that the claimant was not provided with written pay slips detailing tax and national insurance contributions – that may or may not be right.

JUDGMENT

The claimant's complaints of unlawful deduction from wages and Regulation 14 holiday pay on the termination of employment succeed and the respondent shall pay to the claimant the gross sums of:
£625 (50 hours at £12.50); and
£375 (30 hours' holiday pay).

It shall be for the claimant to account for any tax or national insurance on the sums above.

Employment Judge JM Wade

16th June 2021