



EMPLOYMENT TRIBUNALS

Claimant

Mr I Newnham

Respondent

Fina Casa Ltd

Heard at: Southampton (by CVP) **On:** 3rd September 2021

Before: Employment Judge Dawson

Appearances

For the claimant: In person

For the respondents: No attendance

JUDGMENT having been sent to the parties and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. The background to the way in which this case comes before me, is that the claimant issued proceedings against the respondent on 17 February 2021. In box 8.1 of the claim form he indicated that he was bringing claims of notice pay, holiday pay and for arrears of pay and he attached a narrative statement.
2. No response was entered by the respondent in relation to that claim and, on 28 May 2021, a letter was sent by the Tribunal to the parties stating that as a consequence the respondent could not take part in the proceedings except to the extent allowed by a Judge and also that the respondent would receive notice of upcoming hearings.
3. The claimant was, at that stage, asked to quantify his claim and he did that. Having considered that, a Judge was not satisfied that it was possible to enter judgment for a specific amount without a hearing and the case was listed for a remedy.
4. Notice of the remedy hearing was sent on 23 June 2021, listing the matter for today.
5. At that point no judgment had been entered, despite the fact the case was listed for a remedy hearing and I will return to that in a moment.

6. No correspondence which was sent to the respondent (being the claim form, the notice that a response had not been received and the listing for the remedy hearing) has been returned to the Tribunal as undelivered and I am satisfied that the respondent has been served on the address given by the claimant.
7. Having considered the papers myself it seemed to me that I should enter judgment under Rule 21 of the Tribunal Rules of Procedure for the three claims made namely notice pay, holiday pay and for wages (which I did) and then hear from the claimant in the remedy hearing.
8. I heard from the claimant, he affirmed that his evidence was true. I asked him about his claims.
9. In respect of his claim for wages, he explained that he had sought, from both the respondent and its accountant, copies of his wage slips but had not been sent anything. He therefore went online and used the Government website to discover what wages he had been for October 2020. He had received a gross payment of £2,112 and the website showed that he had paid £167.18 tax and £158.64 in national insurance. He tells me that he multiplied the gross figure by 12 and divided it by 52 which gives him the sum of £487.38 per week gross. I accept that evidence as being accurate.
10. He explained that he had claimed that sum for the three weeks he was on furlough in January, from 1 January – 20 January 2021 but at 80% which gives a figure of £1,169.72. He tells me there was an agreement that he would be paid 80% of wages whilst on furlough and I accept that. I accept those figures and find that the claimant was on furlough for those three weeks and was entitled to be paid at the sums agreed. I accept that he was paid nothing for those weeks.
11. The claimant then told me that his furlough actually commenced on 1 November 2020 and between then and 31 December 2020 whilst he was paid something, there was a shortfall of £478.10 between the sums he should have been paid and the sums which he was actually paid (again on the basis of a payment of 80% of his gross weekly wage). I accept that evidence too and will award the claimant that sum as well as the sums in respect of January.
12. In addition to those sums, the claimant claims two weeks notice from 21 January. I find that as a matter of contract law, the claimant was only entitled to one week's notice pursuant to the Employment Rights Act 1996. He claims that amounts at £487.38 which I accept and award him that sum.
13. The claimant finally claims sums in respect of holiday pay. He tells me that he has used the government website to calculate the sums on the amount of holiday he should have had from 14 September to the date of leaving which works out at 10.6 days. The claimant took no holiday and therefore should have been paid the sums in lieu of the holiday which had accrued. He tells me that the government website calculates that at £1,033.08 and again I am willing to accept that evidence.

14. I will enter judgment in those amounts.

Employment Judge Dawson
Date: 23 September 2021

Reasons sent to parties: 21 October 2021

FOR THE TRIBUNAL OFFICE

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