



EMPLOYMENT TRIBUNALS

Claimant: Mr A Kettell

Respondent: Isle of Wight Distribution Ltd

Heard at: Bristol by CVP

On: 29 October 2021

Before: Employment Judge Christensen

Representation

Claimant: represented himself

Respondent: represented by Ms Flood of HR

JUDGMENT

1. The claimant is entitled to be paid for an accrual of 4.2 holiday days at the date of termination of his employment.
2. The respondent is ordered to pay the claimant the sum of £355.36 (gross of tax and NI) relating to outstanding holiday pay.

REASONS

1. The parties agree that the claimant accrued an entitlement to 4.2 holiday days at the date that his employment terminated. The parties agree that this is represented by a gross figure of £355.56. The respondent was unable to calculate what that sum was in net terms and I have therefore issued my judgment for the gross sum.
2. The respondent has sought to argue that there was a lawful basis to withhold paying the claimant monies relating to holiday pay.
3. I have rejected the respondent's argument that they are entitled to make a counterclaim against the claimant as the claimant has not presented a claim for breach of contract (notice pay).
4. I have rejected the respondent's argument that there was a lawful basis to make any deduction from the amount owing.

Employment Judge Christensen
Date 29 October 2021

Judgment & reasons sent to parties: 26 November 2021

FOR THE TRIBUNAL OFFICE

