



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Peixoto

**Respondent:** Mr Atul Khosla

## RULE 21 JUDGMENT

1. The Respondent not having entered a response, judgment is entered for the Claimant with respect to his claims for unlawful deductions and accrued holiday pay.
2. The Claimant is entitled to:
  - 2.1 £1,072.13 (unlawful deductions);
  - 2.2 £229.85 (accrued holiday pay).

## REASONS

### Unlawful Deductions

3. In April 2021, the Claimant worked 145 hours and was paid for only 119.84. He received pay of £1,038.77 net. This left an unpaid deficit of 25.16 hours. His net hourly pay was £8.67 ( $£1038.77 / 119.84$ ). He is, therefore due £218.13 ( $25.16 \times £8.67$ ).
4. In May 2021, the Claimant worked 98.5 hours, for which he was not paid at all. He is entitled to £854 ( $98.5 \times £8.67$ ).
5. The total of unpaid wages is £1,072.13.

### Annual Leave

6. The Claimant had a statutory entitlement to 5.6 weeks annual leave per year. He worked from 12 April to 14 May 2021, which is 32 days. As a proportion of the leave year, this is  $32/365$ . The Claimant accrued 0.49 ( $5.6 \times 32/365$ ) weeks annual leave.
7. If the Claimant had been paid as he should for the period of his employment this would have been: £1,038.77 (what he was paid) + £218.13 (April deficit) + £854

(May deficit) = £2,110.90. The period the Claimant worked (32 days) equated to 4.5 weeks. His net weekly pay was £469.09. ( $£2,110.90 / 4.5$ ).

8. The Claimant is entitled to £229.85 ( $£469.09 \times 0.49$ ) with respect to accrued untaken annual leave.

EJ Maxwell

Date: 6 December 2021

Sent to the parties on:

20 December 2021  
For the Tribunal Office: