



EMPLOYMENT TRIBUNALS

Claimant: Mr Mitchell Carey

Respondent: Olivex (UK) Limited

HELD AT: Manchester

ON: 13 December 2021

BEFORE: Judge Miller-Varey (sitting alone)

REPRESENTATION:

Claimants: In person

Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent has failed to pay the Claimant in respect of accrued but untaken holidays.
2. The Respondent is ordered to pay to the Claimant the total gross sum of £775.79.
3. The Application for a Preparation Time Order will be addressed in accordance with the orders below.

CASE MANAGEMENT ORDERS

1. The Claimant wishes to proceed with his application for a preparation time order (PTO). Correspondingly, the Respondent's email of 11/12/21 (which was shared with the Claimant pursuant to rules 30 and 92) was treated as an application to adjourn the whole of today's hearing. The application was refused and the hearing on liability proceeded pursuant to rule 47. The Respondent was found liable as set out in the Tribunal's judgement of today's date.

2. The PTO application has not been dealt with. Unless further directed, this shall be determined in writing following compliance with the directions below.
3. The Claimant shall by 30 December 2021 provide to the Tribunal and to the Respondent a document set out the following:
 - (a) The grounds on which he says the Tribunal has power to consider making a PTO against the Respondent under rule 76 (i.e., whether he contends the Respondent has behaved vexatiously, abusively, disruptively or otherwise unreasonably in the way that the proceedings have been conducted or the Response had no prospect of success).
 - (b) The actual time he has spent working on the case (having regard to the fact that he has provided an estimate only for time spent from 28/8/21 and time spent at the hearing of 13/12/21 **cannot** be included under rule 75(1)(c)). He should include a breakdown of activities (such as preparing documents, liaising with ACAS and/or the Respondent) and the respective time spent on those activities.
4. The Respondent shall by 17 January 2022 provide to the Tribunal and to the Claimant, a document setting out the grounds of any resistance to the making of a PTO and/or to the reasonableness and proportionality of the time claimed. The Respondent should note that the applicable hourly rate under the Tribunal Rules (rule 79(2)) is correctly stated by the Claimant at £41 per hour.
5. If either party objects to the PTO application being determined on the papers, they should set out the reasons why they seek an oral hearing, when filing the documents required above.

Tribunal Judge Miller-Varey
acting as a Judge of the Employment Tribunal
13 December 2021

JUDGMENT SENT TO THE PARTIES ON
23 December 2021

FOR THE TRIBUNAL OFFICE

Notes

1. Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

3. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2408887/2021**

Name of case: **Mr M Carey** v **Olivex (UK) Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 23 December 2021

"the calculation day" is: 24 December 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.