



THE EMPLOYMENT TRIBUNALS

Claimant: Miss A Tinkler

Respondent: Mr David (T/A The Crusty Roll)
Ready

Heard at: Newcastle upon Tyne Hearing Centre
On: Tuesday 14th December 2021

Before: Employment Judge Johnson

Representation:

Claimant: In Person
Respondent: In Person

HEARING BY CVP

JUDGMENT BY CONSENT

The claimant's complaint of unauthorised deduction from wages (failure to pay accrued holiday pay) is well-founded and succeeds. The respondent is ordered to pay to the claimant the sum of £300.00 in respect of unpaid holiday pay. That is a net amount and the respondent shall be responsible for the payment of any income tax and national insurance contributions thereon.

REASONS

1. This matter came before me this morning for consideration of the following matters:-
 - (i) the respondent's application to set aside the judgment on liability promulgated on 6th October 2021;
 - (ii) the respondent's application for an extension of time in which to submit his response form ET3;

- (iii) if the above applications by the respondent are granted, to consider the merits of the claimant's claim for unpaid holiday pay.
2. The parties were notified on 24th November that today's hearing would take place by way of CVP on 14th December at 10.00am. At 10.00am this morning Mr Ready had joined the conference. Ms Tinkler had also joined the conference but, unfortunately, Ms Tinkler could not be heard. Several attempts were made to connect Ms Tinkler to the conference, but those efforts proved impossible. Ms Tinkler was able to contact Employment Judge Johnson by telephone, but unfortunately she could not be properly heard by Mr Ready. I was satisfied that it would not be possible to for a contested hearing to take place today and I indicated to both parties that I was minded to postpone the hearing yet again and relist it for an in-person hearing at the Middlesbrough Hearing Centre, some time in February 2022.
 3. I indicated to both parties that there were difficulties with each side's case. I enquired as to whether they were interested in a mediation process, by which terms of settlement may be negotiated. Both Ms Tinkler and Mr Ready indicated in clear and unequivocal terms that they wished to have the case settled today, if at all possible.
 4. It was then agreed that Mr Ready would pay to Ms Tinkler the sum of £300.00 in respect of her claim for unpaid holiday pay. Both parties agreed that there should be a judgment in favour of the claimant against the respondent in that amount. Mr Ready confirmed that he already has the claimant's bank details and will arrange to transfer the money to her upon receipt of the employment tribunal's judgment.
 5. On that basis, judgment was entered by consent.

G Johnson

EMPLOYMENT JUDGE JOHNSON

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON**

30 December 2021

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