



EMPLOYMENT TRIBUNALS

Claimant: Mr L Nelson

Respondent: Stessa Leisure Holdings Limited

JUDGMENT ON LIABILITY

The judgment of the Tribunal is that:

1. The claim for unauthorised deduction of wages under section 23 Employment Rights Act 1996 is well founded and succeeds.
2. The claim for unpaid, outstanding holiday on termination of employment is well founded and succeeds.

REASONS

3. The Claimant presented a Claim Form on 11 November 2021.
4. The proceedings were served on the Respondent at its registered address. No response has been served. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
5. The Claimant was employed as a Gym Instructor from 5 October 2020 to 13 August 2021, when he was dismissed by the Respondent. There was a history of late payment of wages during the time the Claimant was employed. As at the date of termination of his employment, the Claimant was owed a substantial sum by way of unpaid wages. He was also owed money in respect of accrued but untaken holiday. As a result of the failure to pay him wages when owed, he suffered additional losses for which he seeks compensation in accordance with section 24(2) Employment Rights Act 1996.
6. I was satisfied that there was sufficient information on which I could issue a judgment in the Claimant's favour. However, I required some further information on the amounts claimed. Therefore, it was appropriate to issue a judgment on liability and for a remedy hearing to be listed.

Employment Judge Sweeney

21 December 2021