



EMPLOYMENT TRIBUNALS

Claimant: Miss Marie O'Malley

Respondent:

1. Eroth-Mitie Property Maintenance Limited
2. Niche Capital Assets Limited
3. Millicent Okumu
4. Niche Capital Limited
5. Niche Capital Corporation

Heard at: London Central (by CVP)

On: 27 January 2022

Before: Employment Judge J Galbraith-Marten

Appearances

For the claimant: Miss Marie O'Malley, in person by telephone

For the respondent: No attendance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued on 14 July 2021. The correct Respondent is Eroth-Mitie Property Maintenance Limited. The Claimant supplied a copy of her offer of employment and statement of main terms and conditions dated 11 January 2021. Respondents 2, 3, 4 and 5 are dismissed from the proceedings.
2. The Respondent failed to present a valid response on time. The time limit expired on 16 August 2021. No application for leave to defend the claim out of time has been submitted by the Respondent nor has an ET3 form been received. Employment Tribunal Judge Galbraith-Marten decided on the available material, that a determination could properly be made of the claim, or part of it, in accordance with Rule 21 of the Rules of Procedure.

3. The Respondent is ordered to pay the Claimant the total sum of **£20,478.96 (gross)** in respect of her claims for unlawful deduction from wages, notice pay and unpaid holiday pay. The sums are calculated as follows:

Unauthorised deduction from wages:

i. January 2021 -	£3,958.33
ii. February 2021 -	£3,958.33
iii. March 2021 -	£3,958.33
iv. April 2021 -	£3,958.33
v. May 2021 (18 days x £130.13) -	<u>£2,342.34</u>
	£18,175.66

Notice Pay: 7 days x £130.13 = **£910.91**

Holiday Pay: 28 days per annum or 2.33 days per month.

i. January 2021 –	2.33 days
ii. February 2021 –	2.33 days
iii. March 2021 –	2.33 days
iv. April 2021 –	2.33 days
v. May 2021 (18 days) –	1.38 days

Total 10.7 days x £130.13= **£1,392.39**

4. The Respondent will be entitled to deduct any tax and employee's national insurance contributions due on the above amounts before payment to the Claimant.
5. The Claimant sought additional compensation in accordance with s.24(2) Employment Rights Act 1996 but there was no evidence to support those claims and they were not attributable to the matters complained.

Employment Judge J Galbraith-Marten

27 January 2022

Sent to the parties on:

27/01/2022

For the Tribunal Office: