



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr L Nowaczyk

v MAPCO Autotechnik UK Ltd

PRELIMINARY HEARING

Heard at: Leeds by CVP

On: 8 February 2022

Before: Employment Judge O'Neill

Appearance:

For the Claimant: In person

For the Respondent: No appearance

JUDGMENT

1. The claim for holiday pay accrued but not taken succeeds and the Claimant is awarded compensation in the sum of £2192.60.
2. Having succeeded in the above claim under the Working Time Regulations 1998 and /or Part 1 employment Rights Act 1996 the claimant is awarded two weeks pay in the sum of £230.40 under S 38 Employment Act 2002.

REASONS

Claims

1. The principal claim is for holiday pay accrued but not taken under the Working Time Regulations 1998 and /or Part 1 Employment Rights Act 1996
2. A claim under section 38 of the employment act 2002 the respondent being in breach of its duty to give the claimant a written statement of employment particulars.

Evidence

3. The claimant gave evidence under oath and answered my questions and provided documents including a P45 and payslips in addition to the ET1.

4. The Respondent made no appearance and has not lodged an ET3 or made any other submission.

Findings

5. The claimant has given evidence under oath as to the following facts which I accept and are consistent with the documents produced
 - a. the leave year began on 1 January 2021
 - b. his employment ended on 31 August 2021
 - c. he has taken no paid holiday in the course of that leave year
 - d. he is entitled to 28 days annual leave and works five days a week
 - e. the claimant accepts that he has accrued 19 days holiday at the date of termination, having completed eight months of service in the leave year
 - f. his gross monthly pay is £2500 which equates to £115.40 a day
 - g. he has never been given a written statement of terms and conditions

Conclusions

6. The respondent has failed to submit any notice of appearance and on the basis of the claimant's evidence I give judgement and make him the following award in respect of 19 days holiday pay at 115.40 per day, which equals £2192.60.
7. I also award the claimant a further two weeks' pay in the sum of £230.80 under section 38 of the Employment Act 2002 in respect of the respondent's breach in failing to provide a written statement of terms and conditions..

Employment Judge O'Neill

8 February 2021