



EMPLOYMENT TRIBUNALS

Claimant: Lynn Hood

Respondent: The Waggon Inn Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The Complaint in respect of accrued but untaken holiday pay under Regulation 30 Working Time Regulations is well founded and succeeds. The Respondent is ordered to pay to the Claimant the sum of **£293.14**

REASONS

1. On 24 April 2022, the Claimant presented a Claim Form to the Tribunal in which she brought a complaint for failure to pay accrued but untaken holiday pay (under Regulation 30 Working Time Regulations).
2. The proceedings were served at the Respondent's premises where the Claimant worked. The date for service of the Response was 07 June 2022. However, no response was served by that date. The Tribunal wrote to the Claimant on 07 June 2022 asking her to provide further information relating to the amounts claimed. Then on 09 June 2022, a response to the claim was sent by the Respondent. On 09 June 2022, the Tribunal wrote to the Respondent directing that the response be directed in accordance with rule 18 of the ET Rules of Procedure 2013, as it was presented after the stipulated date and was not accompanied by an application to extend time. On 09 July 2022, the Claimant sent the further information as directed.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 a response has been rejected and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.

4. The Claimant started working for the Respondent on 18 May 2021 on a rate of £8.91 per hour, working 10 hours a week. Her employment terminated on 20 February 2022. She has calculated her holiday entitlement using the government holiday calculator. She says she was entitled to 42.9 hours a week. She gets to this by inputting 10 hours a week worked over, I infer, 2 days. She has stated that she had taken and been paid for 10 hours, leaving a balance of 32.9 hours.
5. She has then applied her hourly rate of £8.91 to arrive at an amount claimed of £267.30. However, based on an hourly rate of £8.91 x 32.9 hours, the correct figure is in fact £293.14.
6. In the absence of any validly presented response from the Respondent, I was satisfied that I had sufficient information to enable me to conclude that holiday pay of £293.14 was payable to the Claimant in respect accrued but untaken holiday as at the date of termination of employment and in respect of which she was entitled to payment on termination. Therefore, it was appropriate for a judgment to be issued to that effect.

Employment Judge **Sweeney**

Date: 15 July 2022