



EMPLOYMENT TRIBUNALS

Claimant: Zoe Thompson

Respondent: BX Corp 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 gross sum of **£1,011.75**

REASONS

1. On 18 July 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 registered office. The date for service of the Response was 16 September 2022. However, no response was served by that date.
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 as a nail technician on 25 October 2021, working 40 hours a week on a gross wage of £9.50 an hour. Her employment terminated on 27 May 2022. She has calculated her holiday entitlement using the government holiday calculator. As at the date of

termination of employment, she had accrued 132 hours (3.30 weeks) holiday. She had taken 25.5 hours, leaving 106.5 hours accrued but unpaid at the rate of £9.50 an hour.

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5. 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 £1,011.75 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: 21 September 2022