



EMPLOYMENT TRIBUNALS

Claimant: Mr Andrew Bailey

Respondent: James' Places (Northwest) Limited

JUDGMENT

The claimant's application dated **22nd August 2022** for reconsideration of the judgment sent to the parties on **18th August 2022** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because the Tribunal found that the claimant had not been prevented by the Respondent from taking paid annual leave until after May 2021. Indeed, the claimant had been under the impression that he was entitled to paid annual leave and took a week's leave in May 2021 for which he was paid (in that he submitted an invoice for a full month's fees of £5,000 which was paid). He was therefore not deterred or prevented from taking that holiday.
2. It was the payment of this period of annual leave which prompted the respondent to change the basis on which the claimant was remunerated to make clear that he would not thereafter be permitted to take paid annual leave. The whatsapp messages relied upon by the claimant in his reconsideration application (at pages 96 and 97 of the bundle) are from June 2021 and support the Tribunal's finding that the claimant was being deterred or prevented from taking annual leave from May 2021 onwards. The original Judgment compensates him for the loss that he sustained as a result.

Employment Judge **Rhodes**

Date 6th October 2022

JUDGMENT SENT TO THE PARTIES ON

7 October 2022

FOR THE TRIBUNAL OFFICE