



EMPLOYMENT TRIBUNALS

Claimant
Mr A Clarkson

Respondent
Burger Trading Group Ltd

Heard at: Leeds by CVP
Before: Employment Judge Davies

On: 24 January 2023

Appearances

For the Claimant: In person

For the Respondent: Did not attend

JUDGMENT

EMPLOYMENT TRIBUNALS RULES OF PROCEDURE RULE 21

1. The Claimant's complaint of unauthorised deduction from wages and his claim for pay in lieu of accrued but untaken holiday are well-founded and succeed. The Respondent shall pay the Claimant the following sums:
 - 2.1 Wages (pay for 50 hours worked but not paid, £10.50 per hour): **£525**;
 - 2.2 Holiday pay (5.4 hours): **£56.70**.
2. If any tax is payable on these sums, the Claimant is responsible for paying it.
3. When the proceedings were begun the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. Pursuant to s 38 Employment Act 2002, there are no exceptional circumstances that mean an award of two weeks' pay should not be made but it is not just and equitable to award four weeks' pay. The Respondent must therefore pay the Claimant a further **£262.50**.
4. The total sum payable to the Claimant is: **£525 + £56.70 + £262.50 = £844.20**

S-J Davies
Employment Judge Davies
24 January 2023
JUDGMENT SENT TO THE PARTIES

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FOR THE TRIBUNAL OFFICE