



EMPLOYMENT TRIBUNALS

Claimant: Mr Miguel Angel Garcia

Respondent: Truffle Lanz Ltd T/A Santiagos Tapas

Heard at: Cardiff (by CVP) **On:** 28th – 30th March 2023

Before: Employment Judge H V Dieu
(sitting alone)

Representation:

Claimant: In Person

Respondent: Mr Ifitikhar Ahmed, Director of the Respondent

JUDGMENT

The judgment of the Tribunal is that:

1. The Tribunal does not have jurisdiction to consider the claim for unpaid accrued holiday pay for the employment period 14.01.19 – 17.08.19 on the basis that it was reasonably practicable to bring the claim within the statutory time limit and it was not presented within such further time period as the Tribunal considers reasonable, under s.23(4) Employment Rights Act 1996.
2. The Claimant's claim for unpaid accrued holiday pay is well founded. The Respondent must pay the Claimant the sum of £800.41 (gross).
3. The Claimant's claim for unpaid statutory sick pay is well founded. The Respondent must pay the Claimant the sum of £96.35 (gross).
4. The Claimant's claim for unlawful deduction of wages is well founded. The Respondent must pay the Claimant £353.72.
5. The Claimant's claim for automatic unfair dismissal is not well founded and is dismissed.

6. The Claimant's claim for the failure to provide a written statement of particulars of employment is well founded. The Respondent must pay the Claimant the sum of £1,386.

Employment Judge H V Dieu

Dated: 31st March 2023

JUDGMENT SENT TO THE PARTIES ON 4 April 2023

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS
Mr N Roche

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.