



EMPLOYMENT TRIBUNALS

Claimant: Mr L Linley

Respondent: Blue Jay Recruitment Services Limited

Heard at: Leeds by CVP

On: 24 May 2023

Before: Employment Judge Tegerdine

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

The judgment of the tribunal is that:

1. The claimant's claim for unauthorised deduction from wages is well founded.
2. The claimant was employed by the respondent from 8 September 2021 to 26 July 2022. The claimant's holiday year ran from 8 September to 7 September and he was entitled to 5.6 weeks' holiday per holiday year.
3. The claimant was entitled to a payment in lieu of 4.2 weeks' (21 days) holiday which he accrued but did not take during the part of the holiday year which started on 8 September 2021 and ended when the claimant's employment terminated on 26 July 2022.
4. The claimant's average gross weekly pay while he was employed by the respondent was £840 per week. When the claimant's employment terminated he was therefore entitled to a payment of £3,528.00 in respect of his 4.2 weeks' accrued but untaken holiday. However, the respondent did not make any payment to the claimant in respect of accrued but untaken holiday.
5. The respondent shall pay to the claimant the gross sum of **£3,528.00** being the amount of the unauthorised deduction from wages properly payable to the claimant in respect of 4.2 weeks' accrued but untaken holiday pay owed to the claimant for the period up to 26 July 2022.
6. The respondent shall pay the sum due to the claimant on or before 7 June 2023.

Employment Judge Tegerdine

Date 24 May 2023