



EMPLOYMENT TRIBUNALS

Claimant: Mr M Pismennyi

Respondent: Westmorland Hospitality Limited

HELD AT: Manchester (by Cloud Video Platform) **ON:** 2 June 2023

BEFORE: Employment Judge Ficklin

REPRESENTATION:

Claimant: In person

Respondent: No appearance

The JUDGMENT of the Tribunal is:

1. The claimant's complaint that there was an unauthorised deduction from his wages contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds.
2. In respect of unpaid wages, the respondent is ordered to pay the claimant gross wages of £1354.43.
3. The claimant's complaint that there has been a failure to pay untaken annual leave is well-founded and succeeds.
4. In respect of untaken annual leave, the respondent is ordered to pay the claimant the gross sum of £213.84
5. In respect of the respondent's failure to provide written particulars of employment under s. 38 of the Employment Act 2002, the respondent is ordered to pay the claimant the gross sum of £1326.00 (2 weeks' pay at 60 hours per week, £11 per hour= 1326 gross.)
6. The total sum that the respondent is ordered to pay the claimant is £2680.43.

Employment Judge Ficklin

Date: 2 June 2023

JUDGEMENT SENT TO THE PARTIES ON

12 June 2023

FOR THE SECRETARY OF THE TRIBUNALS

Notes:

(1) This judgment follows a “CVP” hearing that took place on a remote video platform. Neither party objected to the format of the hearing.

(2) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal’s online register, which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2402129/2023**

Name of case: **Mr M Pismennyi** v **Westmorland Hospitality Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 12 June 2023

the calculation day in this case is: 13 June 2023

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office