



EMPLOYMENT TRIBUNALS

Claimant Miss A Brady
Respondent Catreus Limited

v

Heard by CVP (Watford) **On:** 26/5/23
Before: Employment Judge Mr J S Burns

Appearances

For the Claimant: No appearance
For the Respondent: Mr C Williams (Director)

JUDGMENT

The claims are dismissed.

REASONS

1. The Claimant did not attend (the FMH having been twice postponed previously and a recent further application from her to postpone having been refused by EJ McTigue on 25/5/23).
2. I read the Claimant's updated witness statement and schedule of loss and then heard evidence from Mr C Williams and read Mr M Coombe's witness statement. I was referred to various documents and in particular the Claimant's final pay slip and an email dated 29/11/21 at 14:59:36 from Mr D Williams to the Claimant.
3. The Claimant claimed arrears of pay while she was on sick leave in October 2021, and also pay for the last week of her employment which ended on 21/10/21 on the expiry of one week's notice given by her on 15/10/21.
4. On the evidence I find she was paid her full salary until her last day of employment. This was greater than her entitlement which included 45 days statutory sick pay. She had no contractual right to full pay while not working when sick but in fact was paid in full by the Respondent throughout.
5. The Claimant also claimed "mileage expenses" (compensation for her having to travel privately to airfields other than her "home-base" airfield). While Mr Williams agreed that at

that time an employee could claim mileage expenses if he or she drove to a different airfield in excess of 50 miles, it was a condition for re-imbusement that such expenses be properly quantified and claimed at the time or shortly after they were incurred by the employee. To the best of his knowledge no such claims had been made by the Claimant at the time. In addition, the Claimant has failed to provide any proper evidence to support such claims.

6. The Claimant also claimed 18.7 days pay in lieu of holidays not taken when her employment ended. The Respondent agreed that the Claimant was owed these days but has produced a calculation to show that this payment was more than offset by the excess salary payments made to the Claimant during her extended sickness absences.

7. The Respondent provided a final payslip to her dated 31/10/2021 showing a net sum of £1455 after tax due by the Claimant to the Respondent, (which however the Respondent has subsequently written off). In his email of 29/11/2021 Mr Williams provided the following additional explanation to the Claimant: *“Apparently you have accrued 4.53 weeks of holiday and you have taken 13 days. This leaves a total of 18.7 days due which equates to £1779.87. In addition there is sick pay of £220.23 for October till the day you left the employment. The over payment of salary against sick pay due was £3695.85.”*

8. The Claimant has not put forward any reason why the Respondent should not be entitled to an equitable set-off of its overpayments of sick-pay against her final holiday pay due, and nor has she shown that these figures are incorrect, and I accept the Respondent’s calculations as final in concluding that the Claimant is not owed any sum by the Respondent.

Employment Judge Burns

Date: 26/5/23

Sent to the parties on: 26 June 2023
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For the Tribunal Office