



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr S Puentes

**Respondents:** Wine and Wallop Ltd

## JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

**The respondent not having presented a response to the claim and on the information before the Judge,**

1. The claim for unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is successful. The respondent failed to pay the claimant wages between 4 November 2022 – 5 November 2022 and is ordered to pay the gross sum of **£146**.
2. The claim for accrued holiday pay in accordance with regulation 14 of the Working Time Regulations 1998 is successful. The respondent failed to pay the claimant for annual leave accrued on termination of employment and is ordered to pay the gross sum of **£292**.

## REASONS

1. The claimant worked as a chef for the respondent from 14 September 2022 to 5 November 2022.
2. On 5 October 2022 the respondent paid the claimant for 14 days work. The claimant had worked for 16 days and was owed 2 days wages. The respondent agreed to pay the claimant for the additional 2 days the following month.
3. On 5 November 2022 the respondent deducted 2 days annual leave from the claimant's outstanding annual leave and paid 2 days holiday pay to compensate the claimant for the 2 days wages missing from the claimant's wages the previous month.
4. On 5 December 2022 the respondent paid the claimant for 3 days work. The claimant had worked for 5 days from 1 – 5 November 2022 and was owed 2 days

wages. The respondent failed to pay the claimant for annual leave accrued but untaken on termination of employment.

5. The claimant received a salary of £26,500 per annum which equated to £2208 gross per month. The claimant received £73 gross per day.

6. On termination of employment the claimant was owed 2 days wages which equated to £146.

7. On termination of employment the claimant had accrued 4 days annual leave (including the 2 days erroneously deducted by the respondent in November 2022) which equated to £292.

Employment Judge Ainscough  
Date: 14 July 2023

JUDGMENT SENT TO THE PARTIES ON  
25 July 2023

FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2403026/2023**

Name of case: **Mr J S Puentes** v **Wine And Wallop Ltd**

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: 25 July 2023

**the calculation day** in this case is: 26 July 2023

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

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](https://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.