



EMPLOYMENT TRIBUNALS

Claimant: Mr JW Bobrowski

Respondent: Forward Xpress Ltd (In Voluntary Liquidation)

Heard at: Manchester Employment Tribunal

On: 21 September 2023

Before: Employment Judge Mark Butler

Representation

Claimant: In person (assisted by Ms AM Ciepiaszuk, Polish interpreter)

Respondent: Non-attendance

JUDGMENT

1. The respondent's name is amended from Arthur Tozowonach (in voluntary liquidation) to Forward Xpress Ltd (In Voluntary Liquidation). Arthur Tozowonach was the name of the owner/a director of the company that employed the claimant, whilst the claimant was employed by the legal entity 'Forward Xpress Ltd' (now in Voluntary Liquidation).
2. The claimant was an employee of the respondent.
3. The respondent subjected the claimant to unauthorised deductions from his wages in respect of:
 - a. Holiday pay, for which the respondent is ordered to pay the claimant the gross sum of £1,695.40, which is 10 days unpaid holiday pay at the gross figure of £169.54 per day.
 - b. Unpaid wages in the gross sum of £339.08, which is 2 days at the gross figure of £169.54 per day.
4. The respondent has breached the claimant's contract in respect of unpaid notice pay. The claimant is entitled to 10 days' notice pay. The respondent must pay the claimant the gross sum of £1,695.40, which is 10 days at the gross figure of £169.54 per day.

5. The total award is for the gross sum of £3,729.88.
6. The claimant needs to be aware that this will be subject to tax and any other statutory deductions at source. And therefore, the figure he receives may be less than that above, after having accounted for such deductions.

Employment Judge **Mark Butler**
Date_21 September 2023_____

JUDGMENT SENT TO THE PARTIES ON
26 September 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 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: **2404628/2022**

Name of case: **Mr J W Bobrowski** v **Forward Xpress Ltd (In
Voluntary Liquidation)**

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: 26 September 2023

the calculation day in this case is: 27 September 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

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.