



EMPLOYMENT TRIBUNALS

Claimant: Miss Jena Mawby

Respondent: Llanharan Service Station

Heard at: Wales ET **On:** 27th September 2023

Before: Employment Judge J Bromige

Representation

Claimant: In Person

Respondent: Did not attend

JUDGMENT

1. The Claimant's claim for compensation related to entitlement to leave under Regulations 14 and 30 of the Working Time Regulations 1998 succeeds. The Respondent is to pay the Claimant the sum of **£773.18** (gross) for accrued but untaken holiday pay.
2. This sum is calculated on the basis that the Claimant had an average weekly wage of £279.60 across the 36 weeks that she worked for the Respondent. She accrued 19 days (3.8 weeks) of holiday during that period, which equates to a total holiday entitlement of £1062.48. She was paid £289.30 for holiday taken during her employment, leaving a balance of £773.18 accrued but untaken/unpaid at the end of her employment on 4th May 2023.
3. The Claimant's further claim for unlawful deduction of wages on the basis of incorrect mileage is not well founded since expenses are expressly excluded from s.13 ERA 1996 by virtue of s.27(2) ERA 1996.
4. The Respondent further failed to provide the Claimant with written particulars of employment as required by s.1 ERA 1996. As per s.38 EA 2002 and Schedule 5 of the same Act, the Employment Tribunal makes an award of two weeks' pay for the same. The Claimant was contracted weekly pay was £228.00, and therefore the Claimant is awarded **£456.00**.
5. The total amount of the award is **£1229.18**. The recoupment provisions do not apply. The sum for holiday pay is awarded gross and the Claimant is responsible for any income tax or employee national insurance contributions which may become due.

I can confirm that this is my judgment in the case numbered above and I have signed the judgment by electronic signature

Employment Judge **J Bromige**

Date: **27th September 2023**

JUDGMENT SENT TO THE PARTIES ON 2 October 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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.