



EMPLOYMENT TRIBUNALS

Claimant: Mr D Butt

Respondent: Heartbreakers (SO15) Ltd

Heard at: Exeter (via video (CVP))

On: 19 September 2023

Before: Employment Judge Cuthbert

Representation:

Claimant: Represented himself

Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is as follows:

1. The claimant's claim for holiday pay is well-founded and succeeds – the respondent failed to pay the claimant the full sum in lieu of untaken holiday to which he was entitled on termination of his employment.
2. The claimant was dismissed without notice in circumstances where the respondent was not entitled to do so – the claimant's claim for wrongful dismissal (notice pay) is well-founded and succeeds.
3. The respondent is ordered to pay to the claimant (less any applicable statutory deductions):
 - a. **£47.81** in respect of the balance of the holiday pay due¹
 - b. **£147.25** in respect of the claimant's notice pay – one week².

Employment Judge Cuthbert
19 September 2023

JUDGMENT SENT TO THE PARTIES ON
10 October 2023 By Mr J McCormick
FOR THE TRIBUNAL OFFICE

¹ See attached Appendix for calculation

² See calculation of a week's pay in the Appendix

Appendix - calculations

Claimant employed: 17 March 2022 to 27 April 2022 = 42 days or 6 weeks

Claimant worked irregular hours: total 93 hours in the above period @ 9.50 = £883.50

A week's pay³: $883.5/6 = \mathbf{£147.25}$

Holiday entitlement on termination⁴:

$(5.6 \times (42/365)) - 0$ holiday taken = **0.644 weeks**

Payment in lieu due on termination: $0.644 \times £147.25 = \mathbf{£94.83}$

Less amount paid by the respondent: **£47.02**

Balance due to claimant: $£94.83 - £47.02 = \mathbf{£47.81}$

³ See Employment Rights Act 1996, Chapter II

⁴ See Regulation 14, Working Time Regulations 1998