



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Mwangi

**Respondent:** D Monitoring Ltd (1)  
Mr P Salah (2)

**Heard at:** London Central by cloud video platform  
**Before:** Employment Judge Nash  
Mr Benson  
Mr Fryer

**On:** 18 March 2024

**Representation**

**Claimant:** In person

**Respondent:** Mr Sands, solicitor

## JUDGMENT

1. The first respondent did not make unlawful deductions from the claimant’s wages contrary to s13 Employment Rights Act 1996 in respect of holiday pay following his going on sick leave.
2. The first respondent did not breach the claimant’s contract of employment by failing to pay him sick leave.
3. The first respondent did not breach the Working Time Regulations in respect of a failure to pay holiday pay following the claimant’s going on sick leave.
4. The respondents’ application for a costs order under rule 76 of the 2013 Employment Tribunal Rules of Procedure is refused.

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Employment Judge Nash  
Date 18 March 2024

JUDGMENT SENT TO THE PARTIES ON

2 April 2024

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FOR THE TRIBUNAL OFFICE

**Note**

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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