



EMPLOYMENT TRIBUNALS

Claimant: Miss L Garlick

Respondent: Alison Cartwright trading as Alison's Alfresco

Heard at: Manchester (by CVP)

On: 21 May 2024

Before: Employment Judge Ross

REPRESENTATION:

Claimant: In person

Respondent: Mr P Cartwright, Claimant's Husband

JUDGMENT UPON RECONSIDERATION

1. The judgment issued on 21 February 2024 and sent to the parties on 27 February 2024 is set aside because it is in the interests of justice to do so, the respondent not having received notice of the original claim.
2. The claim having been heard I determined that:-
 - (i) The respondent has failed to pay the claimant 125.5 hours accrued but untaken holiday pay on termination of employment at the rate of £8.91 per hour pursuant to Regulation 16 Working Time Regulations 1998. The respondent is ordered to pay the claimant the gross sum of £1,118.20 within 14 days of the date of this Judgment.
 - (ii) The respondent has made an unauthorised deductions from the claimant's wages pursuant to Section 13 Employment Rights Act 1996 by failing to pay the claimant less than the relevant national minimum wage. The respondent is ordered to pay the claimant a total of £1,925.28. (736 hours for the year 10 March 2021 to 9 April 2022 and 272 hours for the year 10 March 2022 to 2 August 2022 .The difference

in pay of National Minimum Wage of £8.91 minus £7.00 the hourly pay received is a loss of £1.91 hourly.)

3. The claimant will be responsible for paying any tax liabilities arising out of the gross award.
4. Consequently the respondent must pay the claimant the sum of **£3,043.48** within 14 days of the date of this judgment.

Employment Judge Ross

Date: 21 May 2024

JUDGMENT SENT TO THE PARTIES ON
Date: 22 May 2024

FOR THE TRIBUNAL OFFICE

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>