



EMPLOYMENT TRIBUNALS

CLAIMANT: MR M HON HUI

Respondent: SAINSBURY'S SUPERMARKETS LTD

Determined on
papers by : Employment Judge Skehan

On: 23 May 2024

UPON APPLICATION made by the claimant on 18 February 2024 to reconsider the judgment dated sent to the parties on 20 December 2023 under rule 71 of the Employment Tribunals Rules.

JUDGMENT

1. The respondent must pay the claimant subject to any tax and national insurance contributions required by law the following sums:
 - a. The original sum of £81.55 awarded within the judgment sent to the parties on 20 December 2023; and
 - b. The sum of **£48.34** awarded by consent as a result of this reconsideration.

Reasons

1. The initial judgment in this matter was made on 2 November 2023 and sent to the parties on 20 December 2023. The claimant requested written reasons on 29 December 2023 and written reasons were sent to the claimant on 7 February 2024. The claimant requested a reconsideration of the judgment by email dated 18 February 2024. Following further correspondence with the parties it was agreed that this matter should be determined on the papers without a hearing.
2. The claimant requested a reconsideration on the basis that his holiday pay had been incorrectly calculated with the correct entitlement being 45.69 hours resulting in an increased holiday entitlement for 3.69 hours/£48.34.
3. The respondent by email dated 20 March 2024 agreed to pay the additional amount of £48.34 subject to any required statutory deductions for tax and National Insurance purposes, 'to avoid taking any more of the Tribunal's time'. For this reason the consent order has been made as set out above.

4. The claimant has requested interest to be awarded upon the judgment. The jurisdiction of the tribunal in this type of claim is found within section 24(2) of ERA 1996, a tribunal may award a sum that it "considers appropriate" to compensate the worker for *"any financial loss sustained by him which is attributable to the matter complained of"*. As recorded in paragraph 11 of the reasons for the original judgment, there was no evidence before the tribunal at the final hearing in respect of any financial loss. Therefore no award was made under this provision.
5. The general interest provisions provide that interest on any award begins to accrue on the day after the date of promulgation (Employment Tribunals (Interest) Order (Amendment) Order 2013 SI 2013/1671). This is subject to the condition that if payment of the full amount of the award is made within 14 days of the promulgation date, no interest shall be payable — Article 3(4) Interest Order 1990.
6. The claimant makes submissions in respect of a 'preparation time order'. The Tribunal had previously noted that the application made by the claimant on 18 February 2024 is not within the permitted time frame and would not be considered further. The claimant in correspondence refers to an email of 19 November 2023 that has been previously overlooked and submits that his application was in time. This email has been located by the tribunal administration and I note that it did not copy the respondent as required by Rule 92 of the Employment Tribunal rules. This email does not constitute a valid application to the tribunal. I do not consider it in the interest of justice or in line with the overriding objective to depart from this rule in these circumstances.
7. The claimant's comments within his email of 26 March 2024 are acknowledged. The parties are encouraged to cooperate to address any practical matter. However, the tribunal does not have jurisdiction to consider post judgment or enforcement matters.

Employment Judge Skehan
23 May 2024

JUDGMENT SENT TO THE PARTIES ON
14 June 2024

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FOR THE TRIBUNAL OFFICE

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