



EMPLOYMENT TRIBUNALS

Claimant: Mr P Omielczenko

Respondents: (1) Stu Holliday
(2) Holden and Darcie Fibre Ltd t/a HD Fibre

Heard on: 8th March 2024 by video

Before: Employment Judge Pritchard

Members:

Representation

Claimant: In person

Respondent: No appearance

JUDGMENT

- 1 The Second Respondent is dismissed from these proceedings.
- 2 Under section 51 of the Companies Act 2006, the First Respondent is personally liable on the contract of employment entered into between the First Respondent and the Claimant as evidenced by an exchange of emails dated 13 February 2023. That employment ended on 15 March 2023 when the First Respondent made clear his intention not to be bound by the terms of the contract.
- 3 The First Respondent made unlawful deductions from the Claimant's wages. The First Respondent is ordered to pay to the Claimant the sum of **£ 3,448.20**. The Claimant shall be responsible for accounting to HMRC for any tax and National Insurance payable.
- 4 The First Respondent failed to compensate the Claimant for accrued holiday on the termination of his employment. The First Respondent is ordered to pay to the Claimant the sum of **£ 344.82**. The Claimant shall be responsible for accounting to HMRC for any tax and National Insurance payable.
- 5 The First Respondent breached the Claimant's contract of employment by failing to give notice of termination of his employment and did not pay the Claimant in lieu of notice. The First Respondent is ordered to pay to the Claimant the sum of **£ 3,654.12**.

Total sum to be paid by the First Respondent to the Claimant **£ 7,447.14**

Notes

Written reasons

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.

Employment Judge Pritchard

Date: 8 March 2024

JUDGMENT SENT TO THE PARTIES ON
14th March 2024

FOR THE TRIBUNAL OFFICE