



EMPLOYMENT TRIBUNALS

Claimant: Mr D Vogiazinos

First Respondent: Sola Fine Dining Limited (“R1”)

Second Respondent: Ashley Renee Yates (“R2”)

Third Respondent: Victor Garvey (“R3”)

Heard at: by CVP from the Central London Tribunal **On:** 25 June 2024

Before: Employment Judge Woodhead (sitting alone)

Appearances

For the Claimant: Mrs Kesidou with the Claimant

For R1: not in attendance and no ET3 submitted

For R2: not in attendance and no ET3 submitted

For R3: no ET3 submitted and attended the start of the hearing

JUDGMENT

1. The Claimant was not a worker or employee of R2 or R3 and the claims against those respondents are not well founded and are dismissed.

2. Wages

2.1 The complaint of unauthorised deductions from wages is well-founded. R1 made an unauthorised deduction from the claimant's wages in respect of the periods:

2.1.1 15 September 2023 – 15 October 2023

2.1.2 16 October 2023 to 22 October 2023

2.2 The amount to be paid by R1 to the Claimant shall be determined at a future hearing on remedy.

3. Notice Pay

- 3.1 The complaint of breach of contract in relation to notice pay is well-founded.
- 3.2 R1 shall pay the claimant £3,600 (this is the gross amount) as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

4. Holiday Pay

- 4.1 The complaint in respect of holiday pay is well-founded. R1 made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.
- 4.2 R1 shall pay the claimant in respect of 13 days accrued but untaken holiday. The amount of such payment shall be determined at a future remedy hearing.

5. Redundancy Payment

- 5.1 Under section 163 Employment Rights Act 1996 it is determined that the claimant is not entitled to a redundancy payment.

6. Unfair Dismissal

- 6.1 The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
- 6.2 R1 unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015.
- 6.3 Remedy shall be determined at a future remedy hearing

Employment Judge Woodhead

Date 25 June 2024

Sent to the parties on:

28 June 2024

.....
.....

For the Tribunals 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/>