



# EMPLOYMENT TRIBUNALS

**Claimant:** L Kukielka

**Respondent:** Rosen Haulage Ltd (in Voluntary Liquidation)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant £1320 gross.

## REASONS

1. This matter was listed before me for an attended hearing on 9 August 2024. Neither the claimant nor respondent attended. The Tribunal made telephone contact with the claimant who stated that he thought the hearing was a telephone hearing and that he was waiting for a call from the Tribunal. I find that not plausible as both parties received correspondence from the Tribunal on 3 April 2024 stating that this was an attended hearing. The claimant did not seek a postponement and was informed that the matter could proceed in his absence.
2. The Tribunal was unable to contact the respondent. The respondent has failed to take an active part in these proceedings and has not submitted an ET3. As there was no ET3 the Tribunal had no telephone number it could use to contact the respondent. After searching Companies House, I discovered that the respondent entered creditors' voluntary liquidation on 31 May 2024. The appropriate change to the respondent's name in these proceedings has been made.
3. Although the claimant did not attend today, I have decided that, with the information before me on the papers, a determination can properly be made of the claim in accordance with Rule 21 of the Rules of Procedure. I determine that it is in accordance with the overriding objective to do so. My reasons for doing so are as follows. The Tribunal file demonstrates that the consideration was made to issuing a Rule 21 judgment earlier this year. The Tribunal wrote to the claimant on 20 July 2024 informing him that a Rule 21 judgement could be issued and asking the claimant to quantify his claim. The claimant replied promptly to the Tribunal on 22 July 2024 with the information requested. Based on that information I am not sure why a Rule 21 judgment was not issued soon after that, which would have avoided the need for today's hearing.

4. I am satisfied that the respondent was validly served in relation to this matter. However, in recognition of the fact that it has failed to take part in these proceedings to date I shall ensure that this judgment is sent to its current registered office.

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Employment Judge McTigue

Date: 9 August 2024

JUDGMENT SENT TO THE PARTIES ON

...4 September 2024.....  
AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE