



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Tonchev

**Respondent:** Proactive Personnel Limited

**Heard at:** Liverpool (by video)

**On:** 5 December 2024

**Before:** Employment Judge Benson

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Ms S Jones (Legal department manager)

Interpreter: Miss S Peaty

## JUDGMENT

1. The complaint in respect of underpayment of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant the correct amount of pay for holidays taken between 8 December 2021 and August 2023.
2. The respondent shall pay the claimant **£55.42**. The claimant is responsible for paying any tax or National Insurance.
3. The Tribunal cannot consider any underpayment of holiday pay for dates before 8 December 2021 by reason of section 23(4A) of the Employment Rights Act 1996.

**Employment Judge Benson  
5 December 2024**

Judgment sent to the parties on:

12 December 2024

For the Tribunal:

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**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](http://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/>



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2412903/2023**

Name of case: **Mr R Tonchev** v **Proactive Personnel Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 12 December 2024

**the calculation day** in this case is: 13 December 2024

**the stipulated rate of interest** is: **8% per annum**.

For the Employment Tribunal Office