



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Andre Munhos  
**Respondent:** TownsendRestaurant Limited  
**Heard at:** East London Hearing Centre (by CVP)  
**On:** 6 March 2025  
**Before:** Employment Judge Rao

## Representation

For the claimant: Mr Seamus Woods (accompanying Mr Munhos in a private capacity as a non-legal representative)

For the respondent: Did not attend and was not represented

# JUDGMENT

## Non-attendance of respondent

1. The respondent was notified of this claim and listing of a final hearing by way of a letter dated 11 October 2024 addressed to its registered office. It did not file a response and failed to attend or be represented at the final hearing. In accordance with Rule 47 of the Employment Tribunal Procedure Rules 2024 the hearing proceeded in the absence of the respondent.

## Reasonably practicable time limit extended

2. The relevant time limit is set out in section 23 of the Employment Rights Act 1996.
3. The applicable time limit expired on 3 October 2024. The claim was filed on 10 October 2024. The complaint was not presented within the applicable time limit. It was not reasonably practicable for the claimant to have presented his claim by

3 October 2024, and the Tribunal concludes that he presented in a reasonable period thereafter.

4. Therefore the Tribunal has jurisdiction to consider the complaint.

### Wages

5. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction of **£2,406.42** from the claimant's wages in the period **1 May 2024 to 4 June 2024 inclusive**.
6. The respondent shall also pay the claimant **£90.65** (which comprises interest of 5% for the period from 4 June 2024 to the date of hearing) to compensate the claimant for financial loss attributable to the unauthorised deduction.
7. The respondent shall pay the claimant **£2,497.07**. The claimant is responsible for the payment of any tax or National Insurance.

### Holiday pay

8. The complaint in respect of holiday pay for the period of 19 March 2024 to 4 June 2024 inclusive is well-founded. The respondent made an unauthorised deduction of **£789.44** 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.
9. The respondent shall also pay the claimant **£29.74** (which comprises interest of 5% for the period from 4 June 2024 to the date of hearing) to compensate the claimant for financial loss attributable to the unauthorised deduction.
10. The respondent shall pay the claimant **£819.18**. The claimant is responsible for the payment of any tax or National Insurance.

### Summary

11. The respondent is ordered to pay the sum of **£3,316.25** calculated as follows (wages subject to tax and national insurance):

Monthly pay for May 2024 based on April payslip	£2,883.34
Pay for 1-4 June 2024 @ gross rate of £130.77 per day	£523.08
Less £1000 already paid by Respondent	-£1,000.00
<i>Total wages</i>	<i>£2,406.42</i>
Interest at 5% for 275 days	£90.65
<b><i>Total wages including interest</i></b>	<b><i>£2,497.07</i></b>

Contractual holiday entitlement 28 days/year, pro-rated 19 March to 4 June 2024 (2.6 months/12 months x 28 days)	6.06 days
Holiday £ per day (salary £34,000/261)	£130.27
<i>Holiday pay (6.06 x £130.27)</i>	<i>£789.44</i>
Interest at 5% for 275 days	£29.74
<b><i>Total holiday pay including interest</i></b>	<b><i>£819.18</i></b>
<b>Judgment sum due</b>	<b>£3,316.25</b>

Employment Judge Rao

Date: 11 March 2025