



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Walesa - v - Buon Appetito Reading Ltd

Respondent: Buon Appetito Reading Ltd

JUDGMENT

The judgment of the Tribunal is as follows:

The claim was presented in the Watford Employment Tribunal on 28 July 2023. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 22 of the Rules of Procedure.

Wages

1. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period of March and April 2023.
2. The respondent shall pay the claimant **£2310**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

Notice Pay

3. The complaint of breach of contract in relation to notice pay is well-founded.
4. The respondent shall pay the claimant **£420** 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.

Holiday Pay

5. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998.
6. The respondent shall pay the claimant **£159.60**. The claimant is responsible for paying any tax or National Insurance. This is calculated looking at the pro-rated holiday that the claimant was entitled to take from the beginning of the 2023 holiday year (6 April 2023) to the end of her employment (30

April 2023). There is no contractual entitlement to roll over holiday from the previous holiday year.

Redundancy Payment

7. The complaint that the respondent was in breach of contract by failing to pay the claimant a contractual redundancy payment is struck out as the claimant did not have the requisite 2 years' service with the respondent as required under s155 of the Employment Rights Act 1996.

Unfair Dismissal

8. The complaint of unfair dismissal is struck out as the claimant did not have the requisite two years' service with the respondent as required under s108 of the Employment Rights Act 1996.

Approved by

Employment Judge Shastri-Hurst
Date: 24 April 2025

JUDGMENT SENT TO THE PARTIES ON
22/5/2025

FOR THE TRIBUNAL OFFICE

Note

Written reasons will not be provided unless 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.