



EMPLOYMENT TRIBUNALS

Claimant

Mr S Hughes

Respondent

v

1. Simon Stern
2. Fountayne Managing Ltd
(in voluntary liquidation)
3. The Fountayne Group Ltd

Heard at: Bury St Edmund

On: 16 October 2024

Before: Employment Judge K J Palmer (sitting alone)

Appearances:

For the Claimant: In person

For the Respondent: 1, 2 and 3 – No attendance and no representation.

JUDGMENT having been sent to the parties and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunal Rules of Procedure 2013, the following reasons are provided:

1. Pursuant to a Judgement given extemporarily on 16 October 2024, the liquidator for the second Respondent requested written reasons, such request having been referred to EJ Palmer on 4 March 2025, those reasons are given below

REASONS

2. The Claimant presented this claim to the Employment Tribunal under an ET1 on 23 October 2023. This was pursuant to early conciliation that took place between 21 September 2023 and 26 September 2023, which was the date of the ACAS early conciliation certificate. In it the Claimant claimed expenses properly payable under his contract of employment and other sums, including holiday pay and an unlawful deduction from his wages.
3. Initially, the claim was against the first Respondent only. The first Respondent did file and serve an ET3 denying the claims.
4. It is, however, accepted that the Claimant was employed as a business development manager between 1 October 2022 and 31 August 2023.

5. At a Preliminary Hearing before EJ Dick on 1 July 2024, the second and third Respondents were joined.
6. A Full Merits Hearing was listed for 16 October 2024.
7. That hearing came before me.
8. There was no attendance from either the first, second or third Respondent. I heard from the Claimant who explained to me that at termination sums were legitimately due to him for expenses under his contract of employment of £745.14.
9. Moreover, holiday pay of £1,107.57 was due to him by way of pay in lieu of accrued untaken holiday at termination of employment under the Working Time Regulations 1998, as amended. He also pursued a claim for unlawful deduction of wages of £1,540.00.
10. Having seen the Claimant's pay slips and having heard from the Claimant, it appears that the second Respondent was the Claimant's employer. Accordingly, judgment is given against the second Respondent and the first and third Respondents are discharged from the proceedings. I am satisfied that this is the case in the absence of any representation from any of the Respondents.
11. Accordingly, judgement is given.
12. It is the Judgment of this Tribunal that the Claimant is awarded the sum of £3,392.71 against the second Respondent. This sum was calculated as follows
 - 12.1. £745.14 legitimately incurred but unpaid expenses under the Claimant's contract of employment.
 - 12.2. £1,107.57 monies in lieu of accrued and untaken holiday at termination under the Working Time Regulations 1998 as amended.
 - 12.3. £1,540.00 being an unlawful deduction of wages.
13. The total of £3,392.71 is payable by the second Respondent to the Claimant.

Approved by:

Employment Judge K J Palmer

Date: 11 June 2025

Sent to the parties on

13 June 2025

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For the Tribunal office

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>