



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Surdel

Respondent: Fascinating Gourmet Limited

HELD AT: Manchester

ON: 17 November 2017

BEFORE: Employment Judge Ross

REPRESENTATION:

Claimant: In person

Respondent: Mr J Adhikary

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant is entitled to be paid for two days' holiday on 10 and 11 July 2017 in the sum of £155.54 (£77.77 x 2).
2. The claimant was dismissed by the respondent on 27 July 2017 and the claimant is entitled to one week's pay in lieu of notice equivalent to one week's statutory sick pay because the claimant had a sick note for the period 27 July 2017 to 3 August 2017 in the sum of £89.35.
3. The claimant is entitled to one week's pay for the week commencing 3 July 2017 of £233.30 net plus one day's pay for week commencing 10 July 2017 in the sum of £77.77 (10 and 11 July), and holiday pay when the claimant did not work (see above) in the sum of £311.08. (The Tribunal has taken into account that the respondent is not entitled to unilaterally vary the hours in the claimant's contract of employment.
4. The Employment Tribunal does not have jurisdiction to determine a claim for statutory sick pay for week commencing 17 July 2017 and week commencing 24

July 2017. Such a claim should be taken to Her Majesty's Revenue & Customs ("HMRC"), in the first instance to HMRC Statutory Payment Dispute Team.

Employment Judge Ross

Date 28 November 2017

JUDGMENT SENT TO THE PARTIES ON

29 November 2017

FOR THE TRIBUNAL OFFICE

Note

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2404124/2017

Name of Mrs M Surdel v Fascinating Gourmet Ltd
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 29 November 2017

"the calculation day" is: **30 November 2017**

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office