



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4102775/2019 Hearing at Edinburgh on 12 June 2019

Employment Judge: M A Macleod

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Jean-Marc Peria

Claimant
In Person

Patisserie Maxime

Respondent
Not Present and
Not Represented

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The claimant's claim succeeds, being undefended, and the respondent is ordered to pay to the claimant the sum of **Two Thousand and Twenty Five Pounds (£2,025)** in respect of unpaid notice pay and pay in respect of annual leave accrued but untaken as at the date of dismissal.

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REASONS

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1. In this case, the claimant presented a claim to the Employment Tribunal on 4 March 2019, in which he complained that he had been unlawfully deprived of notice pay and holiday pay accrued at the date of termination of his employment. There was also a suggestion that he was seeking to claim unfair dismissal.

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2. The respondent did not respond to the claim.

3. A hearing was fixed to take place on 12 June 2019 in order to address the merits of the claim. The claimant appeared on his own behalf, but the respondent, who had failed to submit an ET3, did not attend nor were they represented.
- 5 4. The claimant's employment with the respondent commenced on 10 July 2017 and ended abruptly when he was told to leave without notice by his employer, on 5 December 2018. He accepted before me that he lacked the necessary qualifying service upon which to base an unfair dismissal claim, though he still maintains that his dismissal was unfair.
- 10 5. His claim relates to two matters.
6. Firstly, the claimant complains that he was dismissed without notice, and therefore seeks an award of one week's pay in respect of unpaid notice pay. He confirmed before me that he earned £9 per hour, and worked 45 hours per week basic (though thought that he would tend to work more than that in
15 a typical week). He seeks payment of £9 x 45, amounting to £405.
7. Secondly, the claimant complains that of his entitlement to 28 days' annual leave during the course of his leave year, he was still due 20 days' leave when his employment was terminated, having taken 8 days during the year. He was paid £9 per hour, and each day would work 9 hours, and
20 accordingly, he was due £81 per day. Accordingly, he seeks an award of £1,620, representing 20 x £81.
8. I am persuaded on the basis of what the claimant has told me (in conjunction with the payslips he produced with his ET1) that his claim succeeds, being undefended, and that the respondent must pay to him the
25 sum of £2,025 in respect of unlawful deductions from wages.
9. The claimant's claim therefore succeeds.

Employment Judge: Murdo Macleod

Date of Judgment: 13 June 2019

5 **Entered into the Register: 18 June 2019**

And Copied to Parties