



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Ms J Restall

AND

First Trenitalia West Coast
Rail Limited

JUDGMENT OF THE TRIBUNAL

Heard at: Manchester (by CVP)

On: 28 May 2021

Before: Employment Judge A M Buchanan (sitting alone)

Appearances

For the Claimant: Mr D Patel of Counsel

For the Respondent: Ms I Egan of Counsel

JUDGMENT

It is the judgment of the Tribunal that:

1. The claim of breach of contract in respect of unpaid holiday pay is well-founded.
2. The respondent is ordered to pay to the claimant forthwith the sum of £5097.62 in respect of unpaid holiday pay outstanding at the termination of her employment.
3. This is a gross payment and the respondent is to deduct income tax and national insurance contributions properly payable in respect of such sum before making payment to the claimant and is to pay over such sums deducted to the appropriate authorities.

EMPLOYMENT JUDGE A M BUCHANAN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 28 May 2021**

**JUDGMENT SENT TO THE PARTIES ON
3 June 2021**

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL

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.

Public access to employment tribunal decisions

Judgements 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2409181/2020**

Name of case: **Ms J Restall** v **First Trenitalia West Coast Rail Limited**

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 judgment day" is: **3 June 2021**

"the calculation day" is: **4 June 2021**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office