



EMPLOYMENT TRIBUNALS

Claimant: Mr C Davies

Respondent: Yours International Limited

JUDGMENT UNDER RULE 21

1. The Respondent has failed to file an ET3 and Grounds of Resistance in this case. It failed to attend for a preliminary hearing listed to be heard by video link on 17th February 2023.
2. The Respondent was sent by the Tribunal:-
 - a. An ACAS certificate on 6th September 2022
 - b. A notice of claim on 6th October 2022
 - c. A notice of hearing on 12th October 2022
 - d. A record of the preliminary hearing on 23rd February 2023, in which it was noted that, in the absence of hearing from the Respondent by 10th March 2023, a Judgment under Rule 21 would be issued. This document was sent to the Respondent by email to raiga@yoursapp.com.
3. In addition the Claimant had emailed the bundle for the preliminary hearing to janette@yoursapp.com and raiga@yoursapp.com on 31st January 2023. Notwithstanding this, the Respondent had failed to contact the Claimant or the Tribunal.
4. As set out in the record of the preliminary hearing in the absence of a Response from the Respondent it is adjudged that :
 - a. The Claimant's claim for pay in lieu of holiday pay accrued but not taken succeeds, and the Respondent is ordered to pay the Claimant £1,154 in respect of holiday pay.
 - b. The Claimant's claim for breach of contract (notice pay) succeeds and the Respondent is ordered to pay the Claimant £3,461.58 by way of damages for failure to pay notice pay.

- c. The Respondent has failed to issue payslips to the Claimant as required by section 8 of the Employment Rights Act 1996. However In the absence of further information from the Claimant as to the amount of any unnotified deductions this claim is dismissed.
 - d. The Claimant's claim of disability discrimination s dismissed on withdrawal.
5. The Tribunal orders the Respondent to pay a total of **£4,615.58** to the Claimant.

.....
Employment Judge Spencer
29th March 2023

Date sent to the parties
29/03/2023

Note

Public access to employment tribunal decisions

All 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.

Any person who without reasonable excuse fails to comply with a Tribunal Order for the disclosure of documents commits a criminal offence and is liable, if convicted in the Magistrates Court, to a fine of up to £1,000.00.

Under rule 6, if any of the above orders is not complied with, the Tribunal may take such action as it considers just which may include: (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.