



EMPLOYMENT TRIBUNALS

Claimant: Mr P Galazka

Respondent: Carl Entwistle trading as the King William Pub

Heard at: Manchester (by CVP)

On: 9 August 2024

Before: Employment Judge Cookson

REPRESENTATION:

Claimant: In person

Respondent: Ms Mayhew-Hills (litigation consultant) as permitted

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent had failed to present a valid response on time in that when a response submitted some 4 months after it was due there was no application for an extension of time in accordance with Rule 20(1). An employment judge decided that a determination was not possible without a hearing on remedy. The respondent attended the hearing but no application for an extension of time for the response under Rule 20 was made and she was permitted to attend the hearing to make representations if she chose on the issue of the amount of remedy awarded.
2. The claimant referred to some documents which appeared to suggest that his employer may be The K William (Wilmslow) Ltd but he gave sworn evidence that this company was not named in his contract of employment nor was he told this company was his employer when he was employed and in the response submitted out of time there was no suggestion that this company was the correct employer. Mr Entwistle was referred to as a respondent to the claim in the claim form and he completed and returned the invalid response form.
3. The judgment of the Tribunal is as follows:

- a. The complaint of unauthorised deductions from wages is well-founded in respect of wages not paid while the claimant worked his notice period. The respondent made an unauthorised deduction from the claimant's wages in failing to pay the claimant wages on 30 June 2023. The respondent shall pay the claimant **£1384.80**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.
- b. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued as claimed by the claimant but not taken on the date the claimant's employment ended. The respondent shall pay the claimant **£577**. The claimant is responsible for paying any tax or National Insurance.

**Employment Judge Novice
9 August 2024**

Judgment sent to the parties on:
13 August 2024

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For the Tribunal:

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) 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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

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



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2409248/2023**

Name of case: **Mr P Galazka** v **Carl Entwistle trading as
the King William Pub**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 13 August 2024

the calculation day in this case is: 14 August 2024

the stipulated rate of interest is: **8% per annum**.

Paul Guilfoyle
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.