

# THE INDUSTRIAL TRIBUNALS

CASE REF: 12503/18

**CLAIMANT:** Neil MacDonald

**RESPONDENTS:** 1. Crazy Horse Belfast Ltd  
2. Kelan McMichael

## DECISION

The decision of the tribunal is that the claimant is entitled to the following sums:

- (i) For notice pay £608.92.
- (ii) For arrears of pay £299.76
- (iii) For holiday pay £608.92

## CONSTITUTION OF TRIBUNAL

**Employment Judge (Sitting Alone):** Mrs Ó Murray

## APPEARANCES:

**The claimant represented himself.**

**The respondents were not represented and had not entered a response.**

## REASONS

1. The claimant was employed from 5 October 2017 until 30 May 2018 as a Bar Manager. On 30 May 2018 the business closed without notice.
2. At the date of termination of the claimant's employment he had ten days' untaken holidays. Under the contract the holiday year began on 1 June and ended on 31 May each year. The date of termination was therefore at the end of the leave year and at that point the claimant had ten days of untaken holidays. I therefore award the sum of £608.92 in respect of the untaken holidays.
3. Under the contract the claimant was entitled to two weeks' notice. His employment was terminated without notice and he was therefore entitled to two weeks' notice pay in the sum of £608.92. I award that sum.

4. The last payslip for the fortnight ending 3 June 2018 was in the sum of £299.76. Whilst that payslip was issued that sum was never paid to the claimant. I therefore award the sum of £299.76 in relation to arrears of pay.
5. The claimant confirmed and his payslips make clear that his employer was Crazy Horse Belfast Ltd the first respondent. Kelan McMichael was a Director in that company and was not therefore the employer. I therefore dismiss the claim against Kelan McMichael.
6. I explained that the claimant is entitled to enforce the award contained in this decision and if he wishes to do so should seek advice from one or more of the following sources: a Solicitor, a Citizen's Advice Bureau, a Law Centre, a trade union.
7. I explained that if the company becomes insolvent it will be open to the claimant to apply to the fund administered by the Redundancy Payments Service (RPS) for sums in relation to arrears of pay and notice to be paid out to him. As more than one year has elapsed since the termination of his employment and the company did not become insolvent within that year, RPS may not be in a position to pay any sum in arrears of holiday pay even if the company at a later stage becomes insolvent.
8. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

**Employment Judge:**

**Date and place of hearing: 2 October 2019, Belfast.**

**Date decision recorded in register and issued to parties:**