



EMPLOYMENT TRIBUNALS

Claimant

Mr Z Lakatos

Respondent

M Hospitality International Limited

v

Heard at: Watford

On: 23 February 2022

Before: Employment Judge Wyeth

Appearances

For the Claimant: In person

For the Respondent: No representation (no response submitted)

JUDGMENT

1. Upon the time for presenting a response having expired and no response having been presented, the claimant's complaints of unauthorised deduction of wages (contrary to Part II Employment Rights Act 1996) including unpaid holiday and breach of contract (failure to pay one week in lieu of notice) are well founded.
2. The tribunal has no jurisdiction to consider his complaint of unfair dismissal as the claimant does not have sufficient qualifying service (and none of the exceptions apply) and the claimant is not pursuing any complaint of race discrimination.
3. The claimant's gross weekly wage for these purposes is calculated to be £506.58. This amounts to 80 per cent of his normal average contractual pay to account for the fact that he had agreed to the respondent's request that he be furloughed for the period during which he was not paid (set out below).
4. The claimant was not paid from 17 March 2020 until 8 August 2020 (the date of termination) following the respondent having informed the claimant of his dismissal and issuing him with a P45 showing his last day of employment as 30 April 2020, a period of 20 weeks and 4 working days. In respect of that period the respondent must pay the claimant the sum of £10,421.07.
5. The claimant having taken no holidays during the period from 17 March 2020 until 8 August 2020, the claimant is entitled to a payment in respect of holidays not taken being 2 weeks and one day (namely 11 working days) of what would have been his annual entitlement. The appropriate sum is £626.69 which the respondent must pay to the claimant.

6. The claimant was dismissed without notice. The failure to pay him notice or to allow him to work out his notice amounts to a breach of contract and the respondent must pay to the claimant a sum equivalent to the money he would have earned over the one week notice period in the sum of £506.58.
7. For the avoidance of doubt the total amount payable by the respondent to the claimant is £11,554.34.

Employment Judge Wyeth
Date : 10th March 2022
Sent to the parties on:
14th March 2022

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THY

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For the Secretary to the Tribunals