



EMPLOYMENT TRIBUNALS

Claimant: Mr J De Vriess

Respondent: Miramar 246 Limited (In voluntary liquidation)

JUDGMENT

1. The claim of unauthorised deduction of wages is well-founded and succeeds. The Respondent is ordered to pay to the Claimant the gross sum of **£900.67**.
2. The claim for payment of accrued but untaken holidays under regulation 30 of the Working Time Regulations 1998 is dismissed.

REASONS

3. The Claimant was employed by the Respondent from **08 November 2022 to 03 May 2023** as a waiter when he was dismissed without prior warning or notice by reason of redundancy. On **03 August 2023**, the Claimant presented a Claim Form to the Tribunal in which he claimed a redundancy payment, damages for wrongful dismissal (notice pay), outstanding holiday pay and arrears of pay.
4. The proceedings were served on the Respondent at its registered office with a response date of **26 September 2023**. However, no response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
5. The Claimant's claim was one of a number of similar claims against the same respondent. Those claims were combined and listed for a case management preliminary hearing on **05 December 2023** at which further case management orders were made requiring further information from the Claimants.
6. The Claimant was 19 years old at the date of termination of employment. He was employed at the rate of £7.49 an hour, the applicable national minimum wage rate for his age.

7. As at the date of dismissal, the Respondent had failed to pay him in respect of hours worked in the previous 4 weeks as follows: (week 1) 36.5 hours; (week 2) 36 hours; **Case No:2501879/2023**
(week 3) 37.75 hours; (week 4) 10 hours: leaving a total of 120.25 hours which was payable by 08 May 2023. Although on the Claim Form the Claimant indicated he wished to pursue a complaint in respect of unpaid holiday, not details of any such claim were set out in the ET1 and no further information regarding outstanding holidays was provided by him further to the orders made on 05 December 2023.
8. I was satisfied that I had sufficient material to properly determine the claim for unlawful deduction of wages. Therefore, it was appropriate for a judgment to be issued to that effect.

Employment Judge **Sweeney**

Date: 22 December 2023