



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Molly Murray

**Respondent:** CDGH Pub Co Limited

**Heard at:** Liverpool

**On:** 28 July 2023

**Before:** Employment Judge Aspinall

## Representation

Claimant: in person

Respondent: Mr Dobby, Director

# JUDGMENT

The claimant's claim for outstanding holiday pay succeeds and she is awarded holiday pay for the period November 2021 – April 2022 carried forward, and April 2022 to her resignation which took effect on 23 February 2023.

She is awarded £ 380.00 for November 2021 – April 2022 being made up as follows:-<sup>1</sup>

22 weeks/ 52 = 0.42

0.42 x 28 days full time entitlement

12 days due to a full time worker for that period but the claimant worked 16/40 pro rata which was

12 x 16/40 = 4.8 days due, rounded to 5

5 days at 8 hours = 40 hours

40 hours at £9.50 = £380.00

She is awarded £ 152.00 for April 2022 – February 2022 being made up as follows:-

The claimant worked pro rata 16/40 =40% of full time equivalent

A full time worker was entitled to 28 days holiday, the claimant was entitled to 28 x 0.4 =11. 2 days, rounded down.

April – February was 0.92 of the year

11 x 0.92 = 10 days entitlement = 80 hours

The claimant took 64 hours as leave

She is due 16 hours paid at £ 9.50 = £152.00

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<sup>1</sup> During the oral judgment the Tribunal relied in error on figures provided by the respondent which had not be pro rata'd down to reflect the claimant's part time working.

**The total amount the respondent is ordered to pay to the claimant is £ 532.00<sup>2</sup>**

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Employment Judge Aspinall

Date 28 July 2023

JUDGMENT SENT TO THE PARTIES ON

4 August 2023

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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<sup>2</sup> And not the erroneous figure of £981.44 given in oral judgment in reliance on respondent's calculation.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2405541/2023**

Name of case: **Miss M Murray** v **CDGH Pub Co Limited**

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: 4 August 2023

**the calculation day** in this case is: 5 August 2023

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

For the Employment Tribunal Office