



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4102099/2017**

**Employment Judge: Robert Gall**

**Mr W McCarthy**

**Claimant**

**Coffee Club**

**Respondent**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under Rule 21:

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £680 (Six Hundred and Eighty Pounds), being payment for February 2017 and the claimant's wage due for the week to termination of employment.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £1,320 (One Thousand, Three Hundred and Twenty Pounds) being 4 weeks wages at £330 per week.
3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £1,485 (One Thousand, Four Hundred and Eighty Five Pounds) being the sum due calculated on the basis of the following at date of termination of employment: the claimant's age (52), his length of service (3 complete years) and his weekly pay (£330).

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4. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £1,320 (One Thousand, Three Hundred

and Twenty Pounds) being 4 weeks holiday leave accrued but untaken at time of termination of employment.

5. The hearing listed on 20 September 2017 is cancelled
6. The claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances I shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.

Employment Judge: Robert Gall

Date of judgment: 22 August 2017

Entered in register and copied to parties: 22 August 2017