



EMPLOYMENT TRIBUNALS

Claimant: Mr R Kellett

Respondent: Engie FM Limited

HELD AT: Sheffield

ON: 21 December 2017

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: In person

Respondent: Mr J Munks, HR Business Partner

JUDGMENT

1. The Claimant had a contractual entitlement to four weeks' notice to bring his contract of employment to an end. On 26 May 2017 the Respondent terminated the Claimant's contract of employment with five days' notice. The Respondent therefore acted in breach of contract and wrongfully dismissed the Claimant. The Claimant is thus entitled to claim damages such as to put him in the position that he would have been in had the contract been performed. Therefore:

- 1.1. The Claimant's claim for compensation for the loss of the right to contractual holiday pay succeeds. Had the Respondent performed the contract the Claimant would have accrued 13.46 days of contractual holiday entitlement at the date of termination. The Respondent paid to him compensation for 12.5 days of untaken holiday accrued to 31 May 2017. The Claimant is thus entitled to compensation by way of damages for the loss of the contractual benefit of the additional 0.96 days of entitlement that would have accrued but for the wrongful dismissal. The Respondent shall therefore compensate the Claimant by paying to him damages in the sum of £121.47 being an amount equivalent to the net pay that the Claimant would have been entitled to had the Respondent performed its contractual obligations.

- 1.2. The Claimant's claim for loss of the benefit of the vehicle supplied to him by the Respondent for the performance of his duties is refused. The vehicle was supplied to the Claimant by the Respondent for the purposes of business needs only. There being no loss of benefit to the Claimant no claim for compensation arises.
2. The Respondent's counterclaim is dismissed upon withdrawal.
3. The sum of £121.47 shall be paid by the Respondent to the Claimant on or before 31 January 2018.

Employment Judge Brain

Date: 18 January 2018