



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr P Robinson

AND

Sunderland Skip Services Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 13 November 2017

Before: Employment Judge Johnson (sitting alone)

Appearances

For the Claimant: No attendance/no appearance

For the Respondent: No attendance/no appearance

JUDGMENT ON REMEDY

- 1 The respondent is ordered to pay to the claimant a redundancy payment in the sum of £4,488.
- 2 The claimant's claim for a remedy in respect of his complaint of unfair dismissal is postponed. Unless by **30 November 2017** the claimant applies to the Employment Tribunal to relist the remedy hearing in respect of his complaint of unfair dismissal, then the claimant's claim for a remedy for unfair dismissal shall stand dismissed upon withdrawal by the claimant, without further judgment or order.

REASONS

- 1 By a claim form presented on 16 September 2017, the claimant brought complaints of unfair dismissal and entitlement to a redundancy payment.
- 2 The respondent failed to enter a response and by judgment dated 24 October 2017 and promulgated on 25 October 2017, Employment Judge Buchanan

issued a default judgment in favour of the claimant against the respondent for both unfair dismissal and entitlement to a redundancy payment.

- 3 The parties were notified by Notice of Hearing issued on 25 October 2017 that the hearing of the claimant's application for a remedy for both unfair dismissal and redundancy payment, would take place at North Shields Hearing Centre, 2nd Floor, Kings Court, Earl Grey Way, Royal Quays, North Shields, Tyne and Wear, NE29 6AR at 9:45am on Monday, 13 November 2017. The purpose of the hearing was to enable the Employment Tribunal Judge to calculate such sums as may be payable to the claimant for both redundancy and unfair dismissal.
- 4 Neither the claimant nor the respondent attended today. I am satisfied that both were properly served with the Notice of Hearing. In the absence of the claimant, I am satisfied that on the information available to me from the claim form that the claimant's employment with the respondent began on 15 June 2009 and ended on 15 June 2017. The claimant therefore has eight years continuous employment with the respondent. The claimant was aged 53 at the effective date of termination of his employment. The claimant was entitled to a redundancy payment based upon one and a half weeks pay for each year of service. His gross pay is stated to be £1,622 per month, which equates to £374 per week. The claimant is thereby entitled to a redundancy payment in the sum of £4,488.
- 5 The claimant has a default judgment for unfair dismissal. That will entitle him to a basic award (which is equivalent to a redundancy payment) and a compensatory award. Having been awarded the redundancy payment, the claimant could not recover a basic award from the respondent. Should the claimant wish to pursue a claim for compensation for unfair dismissal, he would have to show that his dismissal for redundancy or the process by which he was selected for redundancy was unfair. Compensation would include loss of wages from the date of dismissal by the respondent to the date when the claimant obtained alternative employment. The claimant indicates on his claim form that at the time of presentation he had not obtained alternative employment. The Tribunal must be satisfied that the claimant has suffered a loss before they can award a compensatory award. The claimant has failed to provide any evidence whatsoever that he has sustained a loss. I am satisfied that it would be appropriate and in accordance with the overriding objective to deal with the case justly, to give the claimant one more opportunity to provide evidence that he has suffered a loss such as would entitle him to a compensatory award.
- 6 The claimant must inform the Employment Tribunal by **30 November 2017** as to whether he wishes to pursue a complaint for a compensatory award for unfair dismissal. He must provide a calculation of the sums which he claims, together with evidence as to how that calculation is made. The claimant must also provide evidence to show that he has done his best to mitigate his loss by attempting to obtain alternative employment.
- 7 If by **30 November 2017** the claimant has not applied to the Tribunal to relist the remedy hearing for unfair dismissal then his claim for a remedy for unfair dismissal shall stand dismissed upon withdrawal without any further judgment or order.

EMPLOYMENT JUDGE JOHNSON

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON
15 November 2017**