



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr H Dawkins

v

Eldacrest Construction (London) Limited

The respondent has failed to present a response, and on the basis of the information before the Employment Judge, the following judgment is entered.

DEFAULT JUDGMENT

Rule 21 Employment Tribunal Rules of Procedure 2013

1. The claimant's claims to compensation for unauthorised deductions from earnings, accrued but untaken holiday pay, notice pay and for a redundancy payment are well founded.
2. The respondent, in the absence of a relevant contractual right, purportedly laid-off the claimant on 28 September 2017 for a period of 15.8 weeks and made unauthorised deductions from the claimant's wages and is ordered to compensate the claimant in the net sum of £6,478.00.
3. The respondent has failed to pay the claimant in lieu of accrued entitlement to annual leave in the 15.8 week period between 28 September 2017 and 18 January 2018 and is ordered to compensate the claimant in the sum of £850.00 net.
4. The respondent has breached the claimant's contract of employment by failing to give notice, and failing to compensate the claimant in relation to his accrued paid leave entitlement commencing 1 January 2018 and is ordered to compensate the claimant in the sum of £1,023.08 (notice) and £105.31 (holiday pay) net.
5. The respondent has failed to pay the claimant Statutory Redundancy Pay entitlement in the sum of £1,467.00.
6. The total the respondent must pay the claimant within 14 days is **£9,923.39**.
7. The claimant must apply for a hearing if he claims to be entitled to more than ordered above.

REASONS

1. The above sums follow from the respondent's apparent insolvency. The claim for £13,394 loss of earnings does not make sense if the respondent was not trading. The money was not there to earn.

Employment Judge Smail

Date: ...31 December 2018

Sent to the parties on: .7 January 2019...

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For the Tribunal Office