



EMPLOYMENT TRIBUNALS

Claimant: Mr Sabu Muttanthotty Pappu

Respondent: C & D Pubs Ltd

Heard at: Exeter **On:** Friday 11 January 2019

Before: Employment Judge Matthews

Representation:

Claimant: In Person

Respondent: Did not attend and was not represented

JUDGMENT

1. The Respondent is ordered to pay to the Claimant unfair dismissal compensation totalling £5,855.70 comprising a basic award of £5,555.70 and a compensatory award of £300.
2. The recoupment regulations do not apply.
3. The Claimant's claim for breach of contract (that is, for notice pay) succeeds. The Respondent is ordered to pay to the Claimant £3,465.33 in this respect.
4. The Respondent is ordered to pay to the Claimant £485.12 being a net sum of wages owed by the Respondent to the Claimant.
5. The Respondent is ordered to pay to the Claimant £489.38 being wages owed by the Respondent to the Claimant.
6. The Claimant's claim under regulation 30(1) of the Working Time Regulations 1998 that the Respondent has failed to pay the Claimant an amount due under regulation 14(2) of the Working Time Regulations 1998 (that is, for holiday pay) is well founded. The Respondent is ordered to pay to the Claimant £1,584.19 in this respect.

7. Any amount which the Respondent lawfully deducts from the amounts specified in paragraphs 5 and 6 above by way of income tax, national insurance contributions or otherwise shall be treated as in payment of the amounts specified in those paragraphs. In the absence of evidence to substantiate the lawfulness and amount of such a deduction, the gross amount specified shall be due under this Judgment to the Claimant.

8. Subject to any deductions as authorised above, the total amount payable by the Respondent to the Claimant under this Judgment is £11,879.72.

Schedule of Calculations

Gross weekly pay: £370.38 (£1,605 monthly x 12/52)

Net weekly pay: £315.03 (£1,365.12 x 12/52)

Claimant aged 42 or over for 4 years of his 11 complete years of continuous employment and aged under 42 for 9 years

Average 50 hour working week in last twelve weeks of employment

£350 is awarded for loss of statutory rights

Basic Award

9 x £370.38 = £3,333.42

4 x £370.38 x 1.5 = £2,222.28

Total: £5,555.70

Wages

£485.12 remains unpaid for the calendar month ended 31 March 2018

The Claimant is entitled to 65.25 hours pay at a rate of £7.50 an hour for work done in the calendar month of April 2018. 65.25 x £7.50 = £489.38

Notice Pay

11 x £315.03 = £3,465.33

Holiday pay

35 (weeks) x 6.035 (weekly holiday entitlement) x £7.50 = £1,584.19

Employment Judge Matthews

Date: 14 January 2019

Reasons having been given orally, written reasons will not be provided unless they are asked for by written request presented by any party within 14 days of the sending of this written record of the decision.