



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Burton

**Respondent:** (1) Pivotal Homes Limited  
(2) Mr Frank Smart  
(3) Smart Residential

**Heard at:** Bury St Edmunds Employment Tribunal

**On:** 28 January 2019

**Before:** Employment Judge M Warren

**Representation**

Claimant: In person

Respondent: Did not attend

## JUDGMENT

1. The Claimant's employer was Pivotal Homes Limited: the claims against Mr Frank Smart and Smart Residential are dismissed.
2. Upon no response having been received and upon hearing evidence from the Claimant, the Claimant's claims against the First Respondent succeed. The First Respondent shall pay the Claimant compensation and damages as follows:
  - 2.1. In respect of the Claimant's claim of unfair dismissal, £1,147.50, (made up of a basic award of £607.50 and a compensatory award of £540, the recoupement provisions do not apply);
  - 2.2. In respect of the Claimant's claim for notice pay, (breach of contract) £450;
  - 2.3. In respect of the Claimant's claim for unpaid wages, £2,922.52, (made up of £1,035 unpaid for the 5<sup>th</sup> Saturday in any month and £1,887.52 in respect of commission), and
  - 2.4. £90 accrued due holiday pay.

- 2.5. Giving credit to the Respondent for £320 paid to the Claimant on 5 July 2018, the total amount payable by the Respondent to the Claimant under the terms of this Judgment is **£4,290.02**.

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Employment Judge M Warren

Date: 28.01.19

JUDGMENT SENT TO THE PARTIES ON

.....14.02.19.....

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FOR THE TRIBUNAL OFFICE