



## EMPLOYMENT TRIBUNALS

### Claimant

Mr J Roses v

Hirschfelds Ltd

### Respondent

**Heard at:** London Central Employment Tribunal

**On:** 30 April 2019

**Before:** Employment Judge JL Wade

### Appearances:

**For the Claimant:** In person

**For the Respondents:** Not present or represented

## JUDGMENT

The judgment of the Tribunal is that the respondent is liable to pay the claimant redundancy pay of £2,280 and the Tribunal orders the respondent to pay the claimant this sum by 21 May 2019.

## REASONS

1. The respondent did not attend the hearing although the status of the company is still "Active" at Companies House. He has not sent the Tribunal a message explaining his absence. The Tribunal waited 30 minutes to see if the respondent would attend, but he did not.
2. The claimant was made redundant on 30 March 2018 and was is entitled to:
  - 2.1 Redundancy pay of £5,700.  
Calculated on the basis of 32.5 years' service over the age of 41 at £190 per week.
  - 2.2 Notice pay of £2,280  
The statutory maximum is 12 weeks' pay.
  - 2.3 The total due was £7,780.

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3. The employer has paid £5,700 (£4,700 plus a written off loan of £1,000 as agreed by the claimant) and has conceded continuous service of 32.5 years.
4. Of that:  
  
£3,420 is Redundancy pay  
£2,280 is notice pay
5. Therefore the Balance of redundancy pay due £2,280.
6. In the grounds of resistance the respondent asserted that the notice and holiday pay claims were out of time. The claimant's evidence was that the sums paid by the respondent were in response to a communication from ACAS that he owed the claimant £7,980 in total and so in the absence of the respondent at this hearing it was appropriate to attribute the sums already paid as set out in paragraph 4.
7. Alternatively, if the claim for notice pay was out of time, I find that it was not reasonably practicable to put claim in on time. Any delays were due to the claimant being totally dependent on advice from ACAs and volunteer lawyers at an advice project and following it religiously. He had the understanding that he had to try to resolve the dispute directly with the employer before starting the claim but despite numerous attempts the respondent did not respond (see as evidence the respondent's failure to attend today) which the claimant believes was a deliberate attempt to delay the process. The claimant understood only in July that he had to start Early Conciliation on the advice of ACAS and he believes to this day that he (with the able help of his wife) did everything correctly. English not their first language and they have never litigated before, their intent is to follow all rules and regulations, they do not have the resources to pay for legal help. The claim is therefore in time.
8. The Tribunal makes no orders regarding holiday pay. The claimant decided not to pursue that part of the claim in order to try to resolve this matter swiftly.

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**Employment Judge Wade**

30 April 2019

Sent to the parties on:

.....15 May 2019.....

For the Tribunal:

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