



EMPLOYMENT TRIBUNALS

Claimants: Mrs E Harding
Mrs L Burns

Respondents: Parkers Dry Cleaning Agency
Mr S Smith
Mrs J Smith

Heard at: Reading **On: 1 November 2018**

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimants: In person

For the Respondent: Not attending

JUDGMENT

1. The correct name of the Respondent is Parkers Dry Cleaning Agency. The title of the proceedings is amended accordingly.
2. The claims against Mr Stephen Smith and Mr Jackie Smith are dismissed.
3. Mrs Elizabeth Harding was dismissed by reason of redundancy and is entitled to a redundancy payment in the sum of £1620(13.5 weeks @ £120).
4. The Respondent failed to pay the Mrs Elizabeth Harding in lieu of entitlement to annual leave. The Respondent is ordered to pay to Mrs Elizabeth Harding the sum of £206.08.
5. Mrs Lynn Burns was dismissed by reason of redundancy and is entitled to a redundancy payment in the sum of £6450(21.5 weeks @ £300).
6. The Respondent failed to pay the Mrs Lynn Burns in lieu of entitlement to annual leave. The Respondent is ordered to pay to Mrs Lynn Burns the sum of £300.

REASONS

1. The Claimants Mrs Elizabeth Harding and Mrs Lynn Burns, in a claim for presented on 30 January 2018, bring complaints about redundancy

payment and holiday pay. The complaints have been made against Parkers Dry Cleaning Agency which has been inaccurately described as Parkers Dry Cleaning on the claim form (and is referred to in the following as the Respondent), Mr Stephen Smith and Mrs Jackie Smith. The correct respondent is Parkers Dry Cleaning Agency.

2. The claims against Mr Stephen Smith and Mrs Jackie Smith are dismissed.
3. The Respondent presented a response to the claim in which the Respondent stated that the claim is resisted. However, on reading the whole response it is admitted that no redundancy payment was made to the Claimants.
4. The claim form provides details relating to the first Claimant, Mrs Elizabeth Harding. In respect of the second Claimant, Mrs Lynn Burns, the information only information provided is the name, address and age. There is a recital which states that relevant required information is the same for Mrs Lynn Burns as is set out in the application of Mrs Elizabeth Harding.
5. The Respondent did not attend the hearing.
6. Rule 47 of the Employment Tribunals Rules of Procedure 2013 provides that: "If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."
7. The claim form and response show that the Claimants are entitled to a redundancy payment as the employment of Claimants came to an end as a result of the closure of the business in which they were employed.
8. Mrs Elizabeth Harding confirmed the information contained in her claim form. The information provided in the claim form shows that Mrs Elizabeth Harding was made redundant on the 20 October 2017, when her aged was 64 years, having been employed for 9 complete years with weekly pay before deductions of £120. Mrs Elizabeth Harding is entitled to a redundancy payment of £1620.
9. In her evidence Mrs Lynn Burns provided the following information: she was made redundant on the 20 October 2017, when her aged was 50 years, having been employed for 17 complete years with weekly pay before deductions of £300. Mrs Lynn Burns is entitled to a redundancy payment of £6450.
10. The Claimants also make a complaint about Holiday pay. In the claim form at section 8.2 it states that "I was not paid ... outstanding holiday pay." In section 9.2 of the claim form it states that "Holiday pay (2 weeks): £260". I construe the claim made to be claim for two weeks holiday pay.

The information provided appears to relate to Mrs Elizabeth Harding. There is no information in respect of Mrs Lynn Burns.

11. The response only refers to holiday pay in the following terms: "Holiday pay would have been £217.40 for two weeks not £260". Mr Stephen Smith writing on behalf of the Respondent informed the Employment Tribunal on the 14 May 2018 that Mrs Elizabeth Harding's wages as stated in the claim form are not disputed. There is no reference to the holiday pay claim.
12. The holiday entitlement based on hours worked per week for Mrs Elizabeth Harding whose employment ended on the 20 October 2017, on the basis that Mrs Elizabeth Harding's leave year started on 1 July 2017 (the anniversary of the start of the start of her employment on the 1 July 2008) where the Mrs Elizabeth Harding's hours of work are 15 hours per week, results in holiday entitlement at the date of termination of her employment of 25 Hours 46 minutes. Mrs Elizabeth Harding would therefore have been entitled to £206.08 in respect of holiday pay for the leave year.
13. Mrs Elizabeth Harding confirmed that she had not taken any leave in the leave year. The Respondent is therefore ordered to pay to Mrs Elizabeth Harding the sum of £206.08.
14. Mrs Lynn Burns gave evidence that she had one week of leave not taken at the date of her dismissal. She contends that she is entitled to £300 in respect of one week of leave. I accept her evidence. The Respondent is ordered to pay to Mrs Lynn Burns the sum of £300.

Employment Judge Gumbiti-Zimuto

Date: 1 November 2018

Sent to the parties on: 5 December 2018

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For the Tribunals Office