



# EMPLOYMENT TRIBUNALS

**Claimant:** P Griffin  
**Respondent:** The Stuffed Dormouse Hotel Ltd  
**Heard at:** Cardiff **On:** 11 June 2019  
**Before:** Employment Judge Harfield (sitting alone)

**Representation:**

Claimant: Did not attend  
Respondent: Ms Simone Ansen

## JUDGMENT

1. The claimant did not attend. The tribunal staff telephoned and spoke with his partner who indicated that he was aware of the hearing but did not understand that he needed to attend. I took evidence from Ms Ansen and considered the ET1, ET3 and the pay slips and paperwork relating to the appointment of insolvency practitioners that I was provided by Ms Ansen. I am satisfied under rule 47 of The Employment Tribunal Rules of Procedure that I had sufficient evidence before me to reach a decision in the absence of the claimant.
2. The claimant commenced employment with The Stuffed Dormouse Ltd on 2 July 2014. That company was dissolved and struck off on 30 October 2018. Ms Ansen explained to me that all staff including the claimant transferred over to work for the respondent. I am therefore satisfied that the claimant's employment transferred to the respondent under TUPE preserving his continuity of employment. The respondent ceased trading in November 2018. Ms Ansen explained that the respondent was unable to meet its liabilities or to continue paying its staff. Compulsory strike off action has currently been suspended and Ms Ansen has appointed insolvency practitioners. She does not yet know what form of insolvency the respondent will enter into but it is not currently trading.

3. I find on the evidence that the claimant was made redundant on 15 November 2018 and is entitled to a redundancy pay under Part XI of the Employment Rights Act 1996. The claimant was receiving weekly gross pay of £326.46. He is entitled to 4 weeks pay giving a total redundancy payment of **£1305.80**.
4. Ms Ansen also accepted the claimant was owed outstanding holiday pay at the time of his dismissal. She did not dispute that his outstanding entitlement was 14 days. 14 days equates to 2.8 weeks holiday (applying an overall entitlement of 28 days / 5.6 weeks a year).  $2.8 \times 326.46 =$  **£914.09**. I therefore award the claimant the sum of **£914.09**.
5. The total gross sum payable to the claimant is **£2219.89**. The award is made gross and therefore deductions for tax and national insurance contributions will need to be paid by the claimant on the holiday pay element unless the respondent first deducts those at source under PAYE.

---

Employment Judge Harfield

Dated: 11 June 2019

JUDGMENT SENT TO THE PARTIES ON

.....13 June 2019.....

.....  
FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

**NOTE:**

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.