



EMPLOYMENT TRIBUNALS

Claimant: Mrs Izabela Pawlak

Respondent: Carmarthenshire Cheese Company Cyf

Heard at: Carmarthen

On: 9th April 2018

Before: Employment Judge Howden-Evans

Representation:

Claimant: In person

Respondent: No attendance

JUDGMENT

The Employment Judge's decision is:

1. The respondent has dismissed Mrs Pawlak on grounds of redundancy. Mrs Pawlak is entitled to a statutory redundancy payment from the respondent of £2,464 as calculated at the end of this judgment.
2. The respondent has dismissed Mrs Pawlak without any notice. Mrs Pawlak is entitled to £2,168 compensation for breach of contract for lack of notice (notice pay) as calculated at the end of this judgment.
3. Mrs Pawlak is owed £567.63 in respect of arrears of pay by the respondent.
4. Mrs Pawlak is owed £162.60 by the respondent, in respect of her untaken accrued holiday, as calculated at the end of this judgment.

5. In the event of this debt not being paid within 14 days of this judgment, interest will accrue on this debt, as calculated at the end of this judgment.
6. As the respondent's factory (formerly Mrs Pawlak's place of work) has now been repossessed by a third party, it is likely Mrs Pawlak will face difficulty recovering this debt from the respondent. If Mrs Pawlak is unable to recover this debt from the respondent, she is referred to section 166(1)a Employment Rights Act 1996, which explains her right to claim payment from the National Insurance Fund.
7. The Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 do not apply to this award.

Employment Judge L Howden-Evans
Dated: 23rd April 2018

JUDGMENT SENT TO THE PARTIES ON

3 May 2018

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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.

Calculations

The claimant was employed by the respondent as a production operative, from 11th August 2008 until her employment was terminated on 7th May 2017. At the time of her dismissal she was 35 years old and had 8 years' continuous employment with the respondent. Her gross weekly pay was £308 and her net weekly pay was £271.

1. Statutory Redundancy Payment

Mrs Pawlak is entitled to a statutory redundancy payment of 1 week's gross pay for each of her 8 years of employment: $£308 \times 8 = \mathbf{£2,464}$

2. Compensation for breach of contract for lack of notice

Per s86 Employment Rights Act 1996, Mrs Pawlak was entitled to 8 weeks' notice of the termination of her employment and is awarded 8 weeks' net pay as compensation for breach of contract:
 $£271 \times 8 \text{ weeks}$
= £2,168

3. Unpaid wages

During the period 17th February 2017 to 7th May 2017, Mrs Pawlak received only sporadic payments, which left **£567.63** net wages outstanding.

4. Holiday pay

At the date of her dismissal, Mrs Pawlak had 3 days' holiday that she had accrued but not taken during the holiday year.
 $£271 \times 3/5 = \mathbf{£162.60}$

Total amount owed to the claimant, by the respondent is £5,362.23

Interest will accrue at a rate of 8% per annum on any amount of this award that remains unpaid 14 days after the date of this judgment. (See Article 3 (1) Employment Tribunals (Interest) Order 1990)