



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Frankel

**Respondent:** Taylor & Aitchison Limited

**Heard at:** Liverpool Employment Tribunal      **On:** 16 July 2019

**Before:** Employment Judge Buzzard

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No attendance

# JUDGMENT

The judgment of the Tribunal is that:

1. The respondent's application that their ET3, which was presented late, should be accepted, is dismissed pursuant to Rule 18 of the Employment Tribunal's Rules of Procedure 2013. When the case was called for hearing the respondent was not in attendance or represented. Notice of the hearing has been sent to the respondent, who had not informed the tribunal that they were unable to attend or be represented at the hearing.
2. The tribunal went on, pursuant to the case management order of 7 May 2019, to hear the claimant's claims. The judgments in relation to the claimant's claims are as follows:
  1. The claimant's claim of breach of contract, in that he was wrongfully dismissed without notice, is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of £327 representing one week's gross pay.

2. The claimant's claim that he is owed two weeks' pay for the two weeks he was employed prior to the termination of his employment is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of £654 representing two weeks' gross pay.
3. The claimant's claim that he is owed outstanding holiday pay is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of £784.80, representing 12 days' gross pay.
4. The claimant's claim that he was owed outstanding commission at the date of termination of his employment is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of £278.
5. The claimant's claim of breach of contract, in that he was owed unpaid fuel expenses at the date of termination of his employment is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of £158.
6. The respondent is found to have failed to provide to the claimant a statement of main terms of employment as required by part 1 of the Employment Rights Act 1996. Having succeeded in the claims above the claimant is awarded four weeks' pay under Section 38 of the Employment Act of 2002, as a consequence of this failure. Accordingly, the respondent is ordered to pay to the claimant the sum of £1308.

In relation to items 1,2, 3 and 4 above the claimant is reminded that the sums awarded to him therein may be taxable, and should be declared to HMRC as appropriate.

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Employment Judge Buzzard

Date 29 July 2019

JUDGMENT SENT TO THE PARTIES ON

30 August 2019

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employmenttribunal-decisions](http://www.gov.uk/employmenttribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2400143/2019**

Name of **Mr M Frankel** v **Taylor And Aitchinson** case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **30 August 2019**

"the calculation day" is: **31 August 2019**

"the stipulated rate of interest" is: **8%**

MRS L WHITE  
For the Employment Tribunal Office