



EMPLOYMENT TRIBUNALS

Claimant Mr M Jobe

Respondent Mr Z Akbayir t/a Ocean Drive Restaurant

Heard at: Exeter

On: 15 & 16 August 2019

Before:
Employment Judge Goraj

Representation

Claimant: in person

The Respondent: Ms K Jefford, lay representative

JUDGMENT

The JUDGMENT of the Tribunal is that: -

1. The correct name of the Respondent is as stated above and the pleadings are amended accordingly.
2. The Claimant was dismissed by reason of redundancy and is entitled to a statutory redundancy payment from the Respondent pursuant to section 139 of the Employment Rights Act 1996 ("the Act") in the sum of £1,500 calculated as follows:- (5 x gross weekly salary of £300 per week = £1,500).
3. The Claimant was unfairly dismissed by the Respondent contrary to section 98 (4) of the Act. The Claimant is awarded and the Respondent is ordered to pay to him a compensatory award of £528 calculated as follows: - (one week's net salary for period of consultation in the sum of £264 plus one further week's net salary of £264 for loss of statutory rights).
4. The Claimant was wrongfully dismissed (in breach of contract in respect of notice) and the Claimant is awarded and the Respondent is

ordered to pay the Claimant damages in the net sum of £1,056 calculated as follows :- (4 x week's net salary of £264 = £1,056).

5. The Claimant is therefore awarded and the Respondent is ordered to pay to the Claimant the total sum of £ 3,084 (£1,500 +£528 +£1,056).
6. The Claimant's complaint of unlawful deductions from pay contrary to section 13 of the Act (in respect of holiday pay) is dismissed.
7. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply in this case.

Employment Judge Goraj
Date: 16 August 2019

JUDGMENT SENT TO THE PARTIES ON
9 September 2019

FOR THE OFFICE OF THE TRIBUNALS

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.

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