



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Humphreys

Respondent: The Ugly Duckling

Heard at: Bristol **On:** 19 August 2019

Before: Employment Judge Mr P Cadney (Sitting Alone)

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

The judgment of the tribunal is that the claimant's claims for:-

1. Unfair dismissal
2. Unpaid notice pay

Are well founded and succeed.

3. The claimant is awarded the total sum of £1395.00 (as is set out below).

REASONS

1. By this claim the claimant brings a claim of unfair dismissal, and unpaid notice pay. The claim was originally listed for hearing in October. However the respondent did not enter a response and the case was listed before me today. The respondent has also not attended today's hearing.
2. The respondent has not attended and in the absence of having entered a response cannot establish a potentially fair reason for dismissal. Accordingly, the claim for unfair dismissal is bound to succeed. The claimant has given evidence that the contents of her claim form are true and that she has not received notice pay. The only basis upon which she would not be entitled to notice pay would be if the tribunal found as a fact that she was guilty of gross misconduct. Again, as the respondent has not

attended or entered a response there is no basis for any such finding and the claim for notice pay also succeeds.

3. In terms of remedy the claimant has given evidence that she found alternative employment from 18 February 2019, initially with an ongoing loss of £22 per week but that by the end of March she had increased her hours so there was by that point no ongoing loss.
4. The claimant was employed from 13 June 2016 until 11 January 2019.
5. Accordingly, she is entitled to two weeks statutory notice £264 (£132 x 2).
6. In terms of unfair dismissal her basic award is £396 (2 x 1.5 x £132).
7. The compensatory award is £588 ((3 x £132 to 18 February discounting the already paid notice period) (6 x £22)).
8. In addition, as is set out in the claim form, the claimant was summarily dismissed without any proper disciplinary process and was not offered an appeal. In the circumstances there will be 25% uplift for the failure to follow the ACAS code (£147).
9. The total award is £1395.00.

Employment Judge Cadney
Dated 19 August 2019

JUDGMENT & REASONS SENT TO THE PARTIES ON

FOR THE TRIBUNAL OFFICE