



THE EMPLOYMENT TRIBUNALS

Claimant
Mr K Irving

Respondent
Paramount Power and Data Ltd

EMPLOYMENT JUDGE GARNON
MADE AT NORTH SHIELDS

ON 14 October 2019

JUDGMENT (Liability Only)
Employment Tribunals Rules of Procedure 2013 –Rule 21

1. The name of the respondent is amended to that shown above without the need for re-service.
2. The claims of unfair and wrongful dismissal (breach of contract) are well founded. Remedy will be decided at a two hour hearing on a date to be fixed. If the Tribunal can accommodate a two hour hearing before 3 January 2020 the one day hearing listed for that day will be cancelled, if it cannot that hearing will be reduced to two hours.

REASONS

1. The claim was presented on 19 August 2019 against “Paramount Power and Data” without the word “Limited”. A company may be sued in its trading name. Service was effected on the registered office as confirmed by a company search . No injustice is done by adding the word Limited to the title of the respondent. The response was due by 9 October 2019 but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and , if so I am obliged to issue a judgment which may determine liability only or and remedy as well .

2. I have in the claim form sufficient information to enable me to find the claims proved on a balance of probability but not to determine remedy. I can see the claimant has mitigated his loss but he cannot be awarded notice pay for a period covered by the compensatory award for unfair dismissal . Some of the sums he claims are subject to the statutory cap in s 227 of the Employment Rights Act 1996 (the Act) on the amount of a week’s pay. He has not quantified his claim for loss of the value of a company car or given any information about the value of loss of statutory rights. The law of unfair dismissal is in Part X of the Act and the provisions for compensation are in s118-124A .

3. At the remedy hearing, the respondent may be heard on remedy only.

TM Garnon Employment Judge
Date signed 14 October 2019