



EMPLOYMENT TRIBUNALS

Claimant: Mr D. Taylor

Respondent: Lixwm Carpentry Ltd. (R1)
Kelly Davies (R2)

HELD AT: Mold **ON:** 8th November 2019

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: Litigant in person

Respondents: Absent – ET3 presented and considered.

JUDGMENT

Having heard sworn evidence from the claimant, including in respect of the contents of the Respondents' ET3 Response, the judgment of the Tribunal is:

- 1 These two claims are joined as they deal with the same circumstances and claims;
- 2 The second respondent (R2) is dismissed from these proceedings, having no personal legal interest in them; R2 was not the claimant's employer at the material time; his claims can only be pursued against an employer; the first respondent (R1) is the correct respondent to the claimant's claims;
- 3 By virtue of a transfer of business in 2016 to which the Transfer of Employment (Protection of Employment) Regulations applied, the claimant's continuous employment for the purposes of statutory and contractual employment rights commenced on 1st July 2005;
- 4 The claimant is entitled to a redundancy payment from R1 and in accordance with the statutory formula for calculation, taking into account £1,016 paid by R 1, the balance due from R 1, which it shall pay to the claimant by way of outstanding redundancy pay is £4,318.00;

- 5 The claimant, having been so employed for 13 complete years, was entitled to receive 12 weeks statutory notice of termination of employment from R 1; R 1 breached the claimant's contract with regard to notice by giving insufficient notice and the claimant is entitled to receive payment of the outstanding balance of notice pay (from 19 December 2018 until 1 February 2019) in the sum of £2,043.07 (subject to deduction of national insurance contributions but not income tax, as the payment may be subject to tax upon receipt by the claimant); R 1 shall pay that sum to the claimant;
- 6 The respondent failed to give to the claimant a written statement of employment particulars and shall pay to the claimant four weeks' pay in respect of this failure in the sum of £2,230.77.
- 7 The claimant's claim that R 1 made unauthorised deductions from his wages is dismissed as the tribunal does not have jurisdiction to consider his claim in respect of a post-employment period when he was self-employed.
- 8 In consequence of the above R1 shall pay to the claimant £8,591.84 (subject only to deduction of national insurance contributions as at paragraph 5 above in respect of the award of notice pay).

Employment Judge T.V. Ryan

Date: 08.11.19

JUDGMENT SENT TO THE PARTIES ON

9 November 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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.