



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4111588/2019

Miss B Henderson

Claimant

Stephen Robertson

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaints of (a) unlawful deduction of wages and (b) redundancy payment succeed and that the respondent shall pay to the claimant the sum of One Thousand, Three Hundred and Twenty Nine Pounds and Forty Four Pence (£1329.44) for complaint (a) in respect of wages unlawfully withheld in terms of s13 of the Employment Rights Act 1996 and (b) the sum of Three Hundred and Ninety Three Pounds and Sixty Pence (£393.60) as a redundancy payment.

REASONS

1. A copy of the claim form setting out the claimant's complaints was sent to the respondent on 22 October 2019.

2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within 28 days of the date on which a copy of the claim was sent to him but failed to do so.
3. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim.
4. On the basis of the available material the Employment Judge decided he could properly determine remedy as follows:-

- (a) In respect of the claimant's complaint of unlawful deduction of wages the respondent unlawfully withheld wages in the total sum of £1329.44, 8 weeks at 124 + 4 weeks at 131.20 less 305.44 paid

the respondent shall pay to the claimant the sum of £1329.44.

- (b) In respect of the claimant's claim for a redundancy payment the claimant had two full years' service during both of which she was over the age of 41. Her weekly gross pay was £131.20

the respondent shall pay to the claimant the sum of £393.60.

Employment Judge:
Date of Judgment:
Date sent to parties:

Ian McFatridge
19 December 2019
19 December 2019