



EMPLOYMENT TRIBUNALS

Claimant: Mr Robin Smith

Respondent: (1) BAP Transport Limited (in Administration)
(2) The Secretary of State for Business Energy and Industrial Strategy

Heard at: Bury St Edmunds

On: 13 December 2019

Before: Employment Judge M Warren

Representation

Claimant: In person

Respondents: Did not attend

JUDGMENT

1. The Tribunal makes a protective award in respect of all of those employees dismissed as redundant on or after 5 June 2018 that the employer pay remuneration for the protected period which begins on 5 June 2018 and is for a period of 90 days.
2. The Claimant's claims for a redundancy payment, for notice pay, (breach of contract) and arrears of pay succeed.
3. The Claimant's gross weekly wage in accordance with his contract of employment and as defined in section 222, (hours of work varied) is £540. The claimant is therefore entitled to receive from the First Respondent:
 - 3.1. In respect of a redundancy payment of $(20 \times 1 \frac{1}{2} \times £508)$ £15,240 less £12,761.40 received from the Secretary of State leaving a balance due of **£2,478.60**.
 - 3.2. In respect of arrears of pay, for 8 days worked between 21 May and 5 June 2018 the sum of £1440 gross less £217.71 received from the Secretary of State leaving a balance due of **£1,222.29**.

- 3.3. In respect of notice pay, (12 x £540) £6480 less £5,104.56 received from the Secretary of State leaving a balance due of **£1375.44**.
4. The claimant withdraws his claims for holiday pay and unfair dismissal, which are dismissed on withdrawal.

Employment Judge M Warren

Date: 13 December 2019

JUDGMENT SENT TO THE PARTIES ON

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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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

All judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.