



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Hill

**Respondent:** Kona Partners LLP

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. No response having been served, the Claimant is entitled to Judgment as follows:-

(a) In respect of the claim of unfair dismissal –

- (i) A basic award of £2540.00 calculated on the basis of five years' continuous service and a statutory cap of £508.00
- (ii) A compensatory award in respect of loss of wages of £6,548.88
- (iii) An award in respect of loss of statutory rights, in the sum of £500.00
- (iv) Loss of wages and travel expenses incurred in attending two hearings in the sum of £400.00

A total compensatory award of £7,448.88

- (b) The claim in respect of arrears of wages also succeeds in the sum of £2,183.00
- (c) The claim of a failure to pay holiday pay also succeeds and the Respondent is ordered to pay to the Claimant the sum of £890.00.
- (d) The claim for breach of contract in respect of a failure to pay notice pay also succeeds and the Respondent is ordered to pay to the Claimant the net sum of £2,728.72.

**In total, therefore, the Respondent is ordered to pay to the Claimant the sum of £15,790.60.**

## **REASONS**

1. The Claimant brings claims of unfair dismissal, failure to pay notice pay and arrears of wages in respect of firstly the month of May 2018 and arrears of holiday pay.
2. The claim was originally commenced a company called Kona Capital LLP which had, in fact, been dissolved in 2013. By order of Employment Judge Balogun of 19 June 2019, Kona Partners LLP were added as a Respondent in substitution for Kona Capital LLP. On 20 November 2019 a Mr Alan Burnell with an email address of [alan.burnell@konacapital.com](mailto:alan.burnell@konacapital.com) applied for a postponement of today's hearing on the basis that he had not received any of the communications sent. That postponement was not granted but Mr Burnell was not present today notwithstanding that the case listed for 10.00am did not begin until 12.30pm. In those circumstances, I decided to proceed in Mr Burnell or any representatives absence.
3. As to the claim of unfair dismissal, firstly Mr Hill is entitled to a basic award. He has five years' continuous service and his wages are above the then weekly cap of £508.00. The calculation is therefore 5 x £508.00 which gives a figure of £2,540.00.
4. As to the compensatory award, Mr Hill tells me that he was unemployed in his period of notice, i.e., five weeks and then beyond that a further period of twelve weeks. Therefore, I have awarded the two separately.
5. In respect of the failure to pay notice pay, Mr Hill did not have a contractual provision relating to notice pay. He is therefore entitled to the statutory right of one weeks' pay for each completed years' service. I calculate his net weekly wage of £545.74 x 5 gives a sum in respect of notice pay of £2,728.72.
6. In terms of loss of earnings until alternative employment was gained, the loss is 12 weeks x £545.74 which equals £6,548.88.
7. Mr Hill is also entitled to an award of £500.00 in respect of loss of statutory rights. He has also attended two separate hearings in this matter and in that regard it would be just and equitable to award him the sum of £400.00 in respect of loss of wages and travelling expenses.
8. In total, therefore, the compensatory award is £7,748.88.
9. As indicated above, Mr Hill brings also a claim in respect of arrears of wages for the month of May 2018 and I award him the net sum of £2,183.00.

10. There is also a claim for arrears of holiday pay which Mr Hill places at £890.00.
11. In total, therefore, the Respondent is ordered to pay the Claimant the sum of £15,790.60.

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Employment Judge Blackwell

Date: 28 November 2019