



EMPLOYMENT TRIBUNALS

Claimant: Mr J Halliwell

Respondent: Debra

Heard at: Reading

On: 17 February 2020

Before: Employment Judge Gumbiti-Zimuto

Representation

Claimant: In Person

Respondent: No response entered and not attending

JUDGMENT

1. The claimant's claim for damages for breach of contract (notice pay) succeeds. The respondent is ordered to pay to the claimant £892.64(4 weeks @ £223.16 per week).
2. The respondent failed to pay the claimant in lieu of entitlement to annual leave. The respondent is ordered to pay to the claimant the sum of £446.32.

REASONS

1. The respondent did not enter a response to the claim. The respondent did not attend the hearing.
2. At the hearing the claimant produced a copy of his contract of employment.
3. The claimant was entitled to 4 weeks' notice under the terms of his contract of employment. The claimant was dismissed without notice in circumstances where the respondent did not have the right to dismiss him without notice. The claimant is therefore entitled to succeed in his claim for wrongful dismissal.
4. The claimant is entitled to four weeks' pay which I have calculated at £892.64, net.

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5. By the claimant's contract he is entitled to four weeks paid holiday per calendar year. The claimant stated that at the point of his dismissal he had accrued 20 days of annual leave at the point of termination of his employment (taking into account the fact that the claimant did not take any leave in the first leave year and carried over such leave as he had accrued in the period from November 2017 to 31 December 2017).
6. The claimant had taken 10 days annual leave.
7. The claimant therefore should have been paid in lieu of 10 days leave not taken at the end of his employment.
8. I calculated that the claimant was entitled to be paid at the daily rate £55.79 (gross) and that the claimant was therefore entitled to £557.90(gross) holiday pay. The net amount that the claimant should have been paid is therefore £446.32.

Employment Judge Gumbiti-Zimuto

Date 17 February 2020

JUDGMENT & REASONS SENT TO THE PARTIES ON

...19/02/2020

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FOR EMPLOYMENT TRIBUNALS