



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Imperato

**Respondent:** Poppy 2017 Limited

**UPON APPLICATION** made by letter dated 18 November 2019 to reconsider the judgment sent to the parties on 14 November 2019 under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

## JUDGMENT

1. The part of the judgment relating to Mr Imperato's entitlement to be paid a statutory redundancy payment by the respondent is varied to read as follows:

"Mr Imperato was entitled to be paid a statutory redundancy payment by the respondent in the sum of £2280".

2. The remainder of the judgment is not affected by the application for reconsideration.

## REASONS

1. In the judgment sent to the parties on 14 November 2019, the amount of the statutory redundancy payment to which Mr Imperato was entitled was calculated on the basis of incorrect information having been supplied by his representative as to his date of birth. Had the correct date of birth been used, the redundancy payment would have been £2280 rather than £1920.

2. Mr Imperato's representative wrote to the tribunal on 18 November 2019, informing the tribunal of his mistake.

3. By a letter dated 3 January 2020, the parties were informed of the judge's provisional view that the application to reconsider the judgment should be granted. The respondent was informed that, if it thought the judgment should not be reconsidered, it must write to the tribunal by 17 January 2020, giving reasons.

The respondent has not written to the tribunal with any objections.

4. The parties were also invited to write to the tribunal by 17 January 2020 with their views on whether the application could be determined without a hearing. Mr Imperato wrote to say that he did not require a hearing. The respondent has not written in to express a view. The judge considered that the application could be determined without a hearing.

5. The judge considered it in the interests of justice that the mistake in the calculation of the statutory redundancy payment should be corrected so that Mr Imperato can receive the full amount correctly due to him.

6. Mr Imperato had completed 8 years' service and was 44 at the effective date of termination. His weekly pay was £240.

7. The calculation of the statutory redundancy payment is as follows:  $9.5 \times £240 = £2280$ .

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Employment Judge Slater

Date: 3 February 2020

JUDGMENT SENT TO THE PARTIES ON

20 February 2020

FOR THE TRIBUNAL OFFICE