



# EMPLOYMENT TRIBUNALS

Claimant: Shane Lawson

Respondent: GServe Limited

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

**Upon the Respondent failing to file an ET3 within the time limit imposed by rule 16 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

**AND Upon considering the information provided by the Claimant in his ET1 and at the preliminary hearing by telephone that took place on 27 April 2020**

1. The Claimant's claim for a Redundancy Payment brought under Section 165 of the Employment Rights Act 1996 is well founded.
2. The Respondent is ordered to pay the Claimant the sum of **£2,362.50**. The basis of the calculation is that:
  - a. The date of the dismissal was 31 May 2019 and at the time the statutory cap on a weeks pay for calculating a redundancy payment was £525.
  - b. The Claimant's gross weekly pay exceeded the cap.
  - c. The Claimant was over the age of 41 for the duration of his employment.
  - d. The Claimant had 3 full continuous years of service; hence:
  - e. The Redundancy payment due is  $3 \times 1.5 \times £525 = £2,362.50$
3. The recoupment regulations do not apply to the said award.

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4. The Claimant's claims for notice pay and holiday pay are not effected by this judgment.

Employment Judge John Crosfill  
Date: 27 April 2020