



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100569/2020

Mr A Black

Claimant

Leslie White

Respondents

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant`s complaints of:

- (i) seeking a statutory redundancy payment;
- (ii) that he suffered an unlawful deduction from his wages; and
- (iii) for breach of contract having been dismissed without notice.

succeeds and that the respondent shall pay to the claimant the following sums:

- (i) £6146.51 representing his statutory redundancy pay entitlement;
- (ii) £478.95 representing unpaid wages for the period 9-16 September 2019; and
- (iii) £4758.60 representing 12 weeks` notice pay.

REASONS

1. A copy of the claim form setting out the claimant`s complaint(s) was sent to the respondent on 31 January 2020.

2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty-eight days of the date on which a copy of the claim was sent to it but failed to do so.
- 3 The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claims.
4. On the basis of the available material the Employment Judge decided s/he could properly determine remedy as follows:-
 - (a) In respect of the claimant's claim for a redundancy payment, the respondent shall pay to the claimant the sum of £6146.54 calculated using the statutory formula and based on the claimant having 17 weeks continuous service, with 3 of those years being when the claimant was aged under 22, and based on a week's pay of £396.55.
 - (b) In respect of the claimant's complaint of unlawful deduction from wages for 46.5 hours worked but unpaid at £10.30 per hour, the respondent shall pay to the claimant the sum of £478.95
 - (c) In respect of the claimant's complaint that he was dismissed without notice, the claimant was entitled to 12 weeks' notice at a rate of £396.55 per week, and accordingly the respondent shall pay to the claimant the sum of £4758.60.

Employment Judge: Mark Whitcombe
Date of Judgment: 10 March 2020
Entered in register: 10 March 2020
And copied to parties