



THE EMPLOYMENT TRIBUNALS

Claimant

Ms Emma Smith

Respondent

The Cutting Lounge (North East) Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 –Rule 21

**MADE AT NORTH SHIELDS
EMPLOYMENT JUDGE GARNON**

ON 3 MARCH 2020

The Judgment of the Tribunal is:

1. The claimant is entitled to a redundancy payment of **£1379.08** payable by the respondent
2. The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant **£ 1494** gross of tax and National Insurance (NI).
3. The claim of wrongful dismissal is well founded. I order the respondent to pay damages of **£ 689.54** gross of tax and NI.
- 4. The hearing listed for 27 March 2020 is vacated.**

REASONS

1. On 16 January 2020 the claim was accepted. It was served on 30 January by post to the respondent's registered office as confirmed by a company search. A response was due by 27 February but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if so, obliged to issue a judgment which may determine liability only or liability and remedy. I have in the claim form sufficient to enable me to find the claims proved on a balance of probability and determine remedy.

2. The law of unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 ("the Act"). The law of redundancy payments is in Part XI. The common law provides employment terminated without reasonable notice is wrongful and damages are lost pay until the claimant finds another job.

3 The claimant was born on 3 November 1986 and employed from 1 June 2015 until dismissed without notice on 31 October on closure of the business. She found a new

job in two weeks . She was unpaid for the month of October . Her monthly pay was £1494 or £344.77 per week . Based on her age her redundancy pay is 4 weeks

T M Garnon EMPLOYMENT JUDGE
JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 3 March 2020