



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE K ANDREWS

BETWEEN:

Mr D Westpfel

Claimant

and

Menzies Aviation (UK) Ltd

Respondent

ON: 21 July 2020

Appearances:

For the Claimant: In person

For the Respondent: Did not attend

This was a remote hearing which was not objected to by the parties. The form of remote hearing was V - Video. A face to face hearing was not held because it was not practicable. I was referred to the Tribunal file. The orders made are set out below.

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

No response having been entered by the respondent, the claimant was unfairly dismissed and did not receive the holiday pay to which he was entitled.

The respondent shall pay a total sum of **£7,754.17** forthwith to the claimant (calculated as appears below).

REASONS

1. In this matter the claimant complains that he was unfairly dismissed and did not receive holiday pay to which he was entitled. He submitted his claim form on 17 October 2019 which was served by the Tribunal on the respondent at the address supplied by the claimant. A response was due from the respondent by 25 November 2019. No response was received nor any other communication from the respondent.

2. The claim form was re-served by the Tribunal on the respondent's registered office on 12 March 2020 with a revised deadline of 9 April 2020 for filing a response together with notice of this hearing. Again no response was received nor any other communication from the respondent.
3. In addition, the claimant wrote to the respondent's HR department referring to the existence of Tribunal proceedings and the case number on 21 November 2019, 6 December 2019 and 7 April 2020. In that last letter he expressly referred to the notice of this hearing and set out in detail his complaints and calculation of the remedy sought. He received no reply to any of his letters.
4. In all the circumstances it is entirely appropriate for Judgment to be entered pursuant to rule 21 of the Employment Tribunal Rules of Procedure 2013. Whilst I recognise that the respondent, as part of the aviation industry, is no doubt severely impacted by the current pandemic, its failure to engage at all with the Tribunal and the claimant predates the pandemic.
5. The sums ordered to be paid by the respondent to the claimant are calculated as follows:

Unfair dismissal:

Basic award: (7.5 x £525)	£3,937.50	
less redundancy payment received	<u>(£3,810.00)</u>	
		£ 127.50

Compensatory award:		
Loss of earnings (net) 1.8.19-30.11.19	£3,236.10	
Loss of earnings (net) December 2019	£2,854.57	
Loss of statutory rights	<u>£ 350.00</u>	
		£6,440.67

Holiday pay:

9 days net	<u>£1,186.00</u>
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Grand Total	£7,754.17
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Employment Judge K Andrews
Date: 21 July 2020