



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Daniel Frape  
**Respondent:** Machinery Technology Limited

**Heard at:** Reading (in private; by telephone) **On:**11 June 2020

**Before:** Employment Judge Gumbiti-Zimuto (sitting alone)

## Appearances

For the claimant: In Person  
For the respondent: Mr Ian Parkinson (Director)

## JUDGMENT

MADE PURSUANT TO RULE 21 EMPLOYMENT TRIBUNALS RULES OF  
PROCEDURE 2013

Upon the Respondent confirming that the claim is not contested, the claimant is entitled to a judgment made pursuant to rule 21 of the Employment Tribunals Rules of Procedure 2013.

1. The claimant is claimant was dismissed by reason of redundancy and is entitled to a redundancy payment in the sum of **£3150**.
2. The claimant's claim for damages for breach of contract (notice pay) succeeds. The respondent is ordered to pay to the claimant **£4384.56**.
3. The respondent failed to pay the claimant in lieu of entitlement to annual leave. The respondent is ordered to pay to the claimant the sum of **£2630.74**.

## REASONS

1. The claimant presented a claim for a redundancy payment, notice pay and holiday pay on the 12 September 2019 against "Automation Technology". A response was entered on behalf of Automation Technology Limited. In the response it was stated that the claimant's employer was Machinery Technology Limited, an associated company of Automation Technology Limited.

2. The claimant was asked by the Tribunal if he wished to change the name of the respondent and confirmed that he did. The name of the respondent was therefore amended to Machinery Technology Limited.
3. The service of the claim on Machinery Technology is not required for the following reasons: Mr Ian Parkinson is a Director of both Machinery Technology Limited and Automation Technology Limited. In the response Mr Ian Parkinson was given as the contact for Automation Technology Limited. He has made two statements in the proceedings. He does not put forward a defence to the substance of the claim. It is accepted that the claimant's employment has come to an end as a result of redundancy. In his second witness statement Mr Ian Parkinson states that the respondent is insolvent and has entered into a creditors' voluntary arrangement so the claimant is entitled to recover some money from the Insolvency Service. It is accepted that the claimant is entitled to the sums claimed.
4. Rule 21 provides that where a party has not presented a response or where no part of the claim is contested an Employment Judge shall decide on the material available whether a determination can properly be made on the claimant, to the extent that the determination can be made, the Judge may issue a judgment.
5. On the information before me the claimant is entitled to a redundancy payment in the sum of **£3150**, notice pay in the sum of **£4384.56** and holiday pay in the sum of **£2630.74**. I therefore make a judgment in such terms in favour of the claimant.

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Employment Judge Gumbiti-Zimuto  
Date: 11 June 2020

Sent to the parties on: 20 July 2020.....

.....H Panesar.....  
For the Tribunals Office