



THE EMPLOYMENT TRIBUNALS

Claimant
Mr Scott Wilson

Respondent
Eden Global Infrastructure Limited

EMPLOYMENT JUDGE GARNON
MADE AT NEWCASTLE

ON 13 July 2020

JUDGMENT (Liability and Remedy)
Employment Tribunals Rules of Procedure 2013 –Rule 21

- 1. The claims of breach of contract, unlawful deduction of wages and failure to pay compensation for untaken annual leave are well founded.**
- 2. On the first claim, I order the respondent to pay damages of £346.15.**
- 3. On the second, I order it to repay to the claimant £ 543.84.**
- 4. On the last, I order the respondent to pay to the claimant compensation of £207.66.**

REASONS

1. The claimant was dismissed without notice on cessation of business by the respondent on 12 February 2019. By another Judgment today I have decided it was not reasonably practicable for him to have presented his claim before 24 October 2019 which is when he did. It was accepted and served on the registered office of the respondent as confirmed by a company search. No response 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 it can, obliged to issue a judgment. I have in the claim form sufficient to decide both liability and remedy.

2. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 (the Act) and compensation for untaken annual leave in the Working Time Regulations 1998 (WTR). At common law he is entitled to damages if his contract is terminated without notice.

3. Having been employed for one month or more, he was entitled to one week's notice under section 86 of the Act. His annual salary was £18,000 which divided by 52 = £346.15. He never received payment from the respondent for worked days between 1 and 11 February 2019 which comes to £543.84. He had 0.6 weeks holiday accrued during 2019 which he had not taken which comes to £207.66.

**Employment Judge TM Garnon
Judgment authorised by the Employment Judge 13 July 2020**