



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Bray

**Respondents:** G & M Supplies (Cumbria) Limited

## RULE 21 JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired , and no valid response having been presented by the respondent within the prescribed time limit , it is the judgment of the tribunal that:

1. The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded in respect of 90 hours untaken but accrued holiday (holiday pay) at the hourly rate of £8.21 per hour, a total of £738.90.

The respondent shall pay to the claimant the sum of **£738.90** , this is a gross sum, and the claimant should account to HMRC for tax and national insurance (if any) due upon it.

2. The claimant's complaint of unauthorised deduction from wages is well-founded and succeeds. The respondent unlawfully deducted from payments due the sums of:

December 2019:

Total wages due : £1334.31

Less paid : £710.00

Balance due: £624.13

January 2020:

Total wages due : £1334.31

Less paid : Nil

Balance due: £1334.31

Total sums deducted: **£1958.44**

The respondent is ordered to pay the claimant the said sum of **£1958.44**. This is a gross sum, and the claimant should account to HMRC for tax and national insurance (if any) due upon it.

3. The claimant was dismissed without notice, and is entitled to one week's notice pay, as damages for breach of contract.

3 weeks notice at £308.88 per week gross **£923.64**

This is a gross sum, and the respondent should deduct and account for tax and national insurance (if any) due upon it.

4. The claimant's claim for a redundancy payment is well – founded and succeeds. The claimant was employed from 3 May 1996 until he was dismissed on 3 February 2020, at age 50. His weekly gross wage was £307.88. The claimant's redundancy entitlement is accordingly:

4.5 x £307.88 **£1385.46**

which sum the respondent is ordered to pay him.

Employment Judge Holmes

Dated: 13 August 2020

JUDGMENT SENT TO THE PARTIES ON

25 August 2020

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2402341/2020**

Name of case: **Mr J Bray** v **G&M Supplies (Cumbria) Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **25 August 2020**

"the calculation day" is: **26 August 2020**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office