



EMPLOYMENT TRIBUNALS

Claimant: Mr R Durham

Respondent: Darlington Railway Hospitality Ltd

HELD AT: Newcastle, by video

ON: 6 November 2020

BEFORE: Employment Judge Aspden

REPRESENTATION:

Claimant: In person

Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is:

1. The claimant is entitled to a redundancy payment of £308.
2. The claimant's complaint that the respondent breached his contract of employment by terminating it without notice is well founded. The respondent must pay to the claimant damages for breach of contract in the amount of £616.
3. The claimant's complaint that the respondent made a deduction from wages in contravention of section 13 of the Employment Rights Act 1996 is well founded. The respondent must pay to the claimant £292.60, being the amount deducted.
4. The claimant's complaint that the respondent failed to pay holiday pay due is not made out and is dismissed.

5. The claimant's complaint that the respondent unfairly dismissed him is well founded. The respondent must pay to the claimant compensation for unfair dismissal of £246.40, consisting of a compensatory award only.
6. The Recoupment Regulations apply to the award of compensation for unfair dismissal as follows:-
 - (a) The total amount of the award is £246.40
 - (b) The prescribed element is £246.40
 - (c) The period of the prescribed element is from 26 March 2020 to 2 April 2020.
 - (d) The excess of the total award over the Prescribed Element is nil

Employment Judge Aspden

Date 6 November 2020

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.