



EMPLOYMENT TRIBUNALS

Claimant: Mr J Pullen

Respondent: Able Skip Hire

Heard by CVP on: 11th January 2021

Before: Employment Judge Warren sitting alone

Representatives

For the claimant: in person

For the respondent: Mr Johnstone (previous joint owner, now manager)

JUDGEMENT

It is the judgement of the Tribunal that :-

1. The claim of breach of contract succeeds. The claimant was entitled to four weeks net notice pay on dismissal. He was underpaid by four hundred and three pounds and seventy five pence. The respondent is ordered to pay compensation in this sum.
2. On dismissal the claimant was entitled to untaken unpaid annual leave. This was by way of an underpayment by the respondent in the sum of six pounds and ninety pence which the respondent is ordered to pay to the claimant.
3. The claimant was dismissed for a fair reason (misconduct) but following an unfair procedure, and this was therefore an unfair dismissal. However the application of the case of *Polkey v A E Dayton Services Ltd* [1987] IRLR 503 HL led to the conclusion that had a fair procedure been followed there was a one hundred percent chance that the claimant would have been dismissed in any event. No award is thus made.

Employment Judge Warren

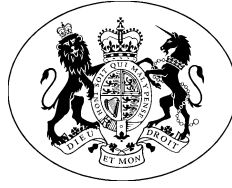
DATE 15 January 2021

JUDGEMENT SENT TO THE PARTIES ON

25 January 2021

FOR THE TRIBUNAL OFFICE

Written reasons may be requested within 14 days



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2400194/2020**

Name of case: **Mr J Pullen** v **Able Skip Hire Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment 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 judgment day" is: **25 January 2021**

"the calculation day" is: **26 January 2021**

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

For and on Behalf of the Secretary of the Tribunals