



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Pullen

**Respondent:** Able Skip Hire

## CERTIFICATE OF CORRECTION

### Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the Judgment sent to the parties on 25 January 2021, is corrected at paragraph 1, as indicated in italics.

---

Employment Judge Warren

Date: 23 March 2021

SENT TO THE PARTIES ON

25 March 2021

FOR THE TRIBUNAL OFFICE

**Important note to parties:**

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Pullen

**Respondent:** Able Skip Hire

**Heard by CVP on:** 11<sup>th</sup> 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 *eight hundred and sixty-seven pounds and sixty-three 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  
Corrected on 23 March 2021

Written reasons may be requested within 14 days

ON

JUDGEMENT SENT TO THE PARTIES

25 January 2021

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2400194/20  
Mr J Pullen v Able Skip Hire

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 January 2021

"the calculation day" is: 26 January 2021

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

MR S ARTINGSTALL  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.