



EMPLOYMENT TRIBUNALS

Claimant: Mr D Nikev

Respondent: St Michael's Residential and Educational Services Ltd (in voluntary liquidation) (3)

Heard at: On the papers

On: 25 March 2021

Before: Employment Judge Victoria Butler (sitting alone)

Representatives

Claimant: Written representations
Respondent: No representations

JUDGMENT – REMEDY

Employment Tribunals Rules of Procedure 2013 – Rule 21

Background

1. The Claimant presented his claim to the Tribunal on 27 November 2019 following a period of early conciliation between 28 September 2018 and 28 October 2018. He claims unfair dismissal.
2. The 3rd Respondent submitted its defence on 17 March 2019. On 20 November 2019, it entered into a creditors' voluntary liquidation. On 15 August 2020, the liquidator was directed by the Tribunal to confirm whether it defended the claim, but no response was received.
3. On 5 December 2020, the case was set down for this remedy hearing.
4. A closed preliminary hearing was conducted by Employment Judge Adkinson ("EJ Adkinson") on 23 February 2021 at which the Claimant withdrew his claim against the first and second Respondents. EJ Adkinson struck out the third Respondent's response because it was not being actively pursued. It was also agreed that remedy could be resolved on the papers.

The hearing

5. Prior to the hearing the Claimant submitted the following:

- A witness statement;
- A bundle of documents;
- A schedule of loss; and
- Written submissions.

Conclusions

6. Having considered the above documentation, I am satisfied that the Claimant's dismissal was both procedurally and substantively unfair and he is entitled to the following awards payable by the third Respondent, St Michael's Residential and Educational Services Ltd:

Basic award: £1,476.92

Compensatory award:

Loss of statutory rights: £400

Expenses: £40

Loss of earnings: £6,051.36

25% uplift for failure to
comply with the ACAS
Code of Practice: £1,622.84

Total: **£9,591.12**

Employment Judge Victoria Butler

Date: 26 March 2021

JUDGMENT SENT TO THE PARTIES ON

29 March 2021

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FOR THE TRIBUNAL OFFICE

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