



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms D Williams

**Respondent:** Air2energy Limited (in Creditors Voluntary Liquidation)

## JUDGMENT

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

1. The respondent's response to the claim is struck out because it has not been actively pursued.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the net sum of £477.53.
3. The claimant's claim of unfair dismissal is dismissed on withdrawal.

## REASONS

1. The claimant brought claims of unfair dismissal and failure to pay her notice pay. The claimant had not been employed by the respondent for two years and so is not entitled to claim unfair dismissal.
2. At a preliminary hearing on 3 December 2020 the claimant confirmed that she was not pursuing the claim of unfair dismissal and her claim was limited to one for failure to pay one week's notice pay when she was dismissed.
3. The respondent had filed a response but had subsequently entered into Creditor's Voluntary Liquidation. The papers in the case were sent to the respondent's liquidator who was ordered to confirm to the Tribunal by 15 January 2021 whether the respondent intended to defend the claim. The liquidator did not respond and on 12 April 2021 the Tribunal sent a strike out warning notifying that the Tribunal was considering striking out the response because it had not been actively pursued. The Tribunal received no further communication from the respondent and the response is accordingly struck out.

4. I find the claimant was dismissed without notice. The claimant had been ordered to provide clarification of the amount of notice pay she was seeking. She wrote to the Tribunal to say that she did not have copies of her payslips and could not do so. However, she provided a copy of her bank account showing the net month's pay she received for June 2019 was to £2,046.56. Based on that, I have calculated the one week's notice to which she was entitled to be the net figure of £477.53 and have given judgment in favour of the claimant for that amount.

Employment Judge McDonald

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Date: 11 May 2021

JUDGMENT AND REASONS  
SENT TO THE PARTIES ON

13 May 2021  
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2413681/2019**

Name of case: **Ms D Williams** v **Air2Energy Limited (in  
Creditors' Voluntary  
Liquidation)**

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 judgment day" is: 13 May 2021

"the calculation day" is: 14 May 2021

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

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/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

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.