



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Matthews

**Respondent:** Dennis Bozier Ltd

## JUDGMENT

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

1. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£7637.50**.
2. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£780**.
3. Any claim for breach of contract (whether for notice pay, or for dismissal without following a required contractual procedure prior to dismissal) is dismissed upon withdrawal.
4. The hearing listed on **23 July 2021** is cancelled.

## REASONS

1. I am satisfied that I can properly determine this claim using the documents on the file and without a hearing.
2. On 8 March 2020, the claimant presented a valid claim within the time limits. He claimed in particular for statutory redundancy pay and holiday pay, as well as notice pay and what he described as loss of consultation pay. A response was submitted by the respondent, a limited company, which stated that the claim was not defended.
3. Subsequent correspondence has been sent by the tribunal to the claimant (including a questionnaire) and by the claimant to the tribunal. It is common ground between the parties that, sadly, the main person who controlled the respondent is now deceased.
4. The Claimant has not completed the questionnaire (for legitimate reasons), but, in a covering letter has stated that he only wishes to claim for "redundancy pay ... and if possible holiday pay of £780". He has made the same comment unequivocally in both an email to the tribunal of 10 February 2021 and the letter posted to the tribunal dated 12 February 2021.

5. The Claimant has thereby unequivocally withdrawn, any other complaints including the clearly stated claim for notice pay and (if any) the less clearly stated allegation of the dismissal taking place without a contractually required procedure having first been followed. There was no complaint of unfair dismissal in the claim form but, if there had been, that would also have been withdrawn by the correspondence mentioned above.

6. Based on the information in the claim form, the Claimant has correctly calculated both his redundancy pay and his entitlement to pay in lieu of holiday. A hearing is therefore not necessary, and I make the judgment above.

Employment Judge **Quill**

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Date: 21 April 2021

JUDGMENT SENT TO THE PARTIES ON  
17.05.2021

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AND ENTERED IN THE REGISTER

.....THY.....  
FOR THE TRIBUNAL OFFICE