



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Moya Rubio  
**Respondent:** Kapow Gifts Limited

**Heard at:** Leeds by CVP **On:** 3 March, 6 May and  
9 June 2021

**Before:** Employment Judge Tegerdine

## Representation

**Claimant:** In person  
**Respondent:** In person

# JUDGMENT

The judgment of the Employment Tribunal is that:

1. The claimant was unfairly dismissed by the respondent.
2. There is a 100% chance that if the respondent had followed a fair procedure the claimant would have been fairly dismissed by 6 August 2020.
3. A 100% reduction in the basic award will be made pursuant to section 122(2) of the Employment Rights Act 1996.
4. A 100% reduction in the compensatory award will be made pursuant to section 123(6) of the Employment Rights Act 1996.
5. The claimant's claim for notice pay is not well founded. Accordingly, the complaint of wrongful dismissal fails.
6. The claimant's claim for holiday pay is not well founded. Accordingly, the complaint of breach of the Working Time Regulations 1998 fails.

Employment Judge Tegerdine  
Date 23 June 2021  
JUDGMENT SENT TO THE PARTIES ON  
24/06/2021

Olivia Vaughan  
FOR THE TRIBUNAL OFFICE

## Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

## **Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.