



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Anderson  
**Respondent:** Matalan Limited  
**Heard at:** East London Hearing Centre  
**On:** 26 July 2021  
**Before:** Regional Employment Judge Taylor

## Representation

**Claimant:** In person  
**Respondent:** Response not entered

## JUDGMENT

**The claimant's claim of unfair dismissal succeeds. The claimant is awarded total compensation for unfair dismissal in the amount of £4970.21.**

## REASONS

1 The claim was issued in the London East Employment Tribunals on 10 November 2021. The respondent has failed to present a valid response on time. An Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure and therefore a liability judgment was sent to the parties on 24 May 2021. This hearing was listed to determine remedy.

2 The claimant attended the hearing in person but unfortunately did not have the required documentation with her. The claimant explained that she had been informed by a tribunal clerk that the hearing was not today, but on a date in October. Having checked the tribunal case file it is clear that an order was sent to the claimant on 29 June 2021 informing her of today's hearing. It is unclear how the claimant could have been informed about any other date of hearing. The claimant gave evidence that she had started work in her new job

on 20 June 2020. Calculation of compensation could not be completed and therefore the hearing was vacated and substituted by a case management hearing.

- 3 The claimant was ordered to provide the following documents as soon as possible:
  - 3.1 The letter from the claimant's employer responding to queries she made about sick pay and holiday pay.
  - 3.2 The claimant's October 2020 and November 2020 pay statements.
  - 3.3 The starting date of the claimant's employment with her new employer and the claimant's terms and conditions of employment.

4 The claimant agreed to send these documents to the tribunal by 3 August 2021. However, the claimant did not send the letter dealing with her queried about sick pay and holiday pay. The claimant provided pay statements 8 September 2020, 6 October 2020, 3 November 2020 and a contract of employment with her new employer. The claimant's net weekly pay is calculated at £124.92 per week ( $£543.34$  (monthly net pay)  $\times$  12 months  $\div$  52).

The claimant has not produced evidence that her sick pay or holiday pay has been miscalculated therefore these claims in respect of these are dismissed.

5 The claimant's claim that she was unfairly dismissed succeeds and the remedy for unfair dismissal to which the claimant is entitled is £4,970.21 and the calculation is set out in the attached schedule.

**Regional Employment Judge Taylor**  
**Date: 5 August 2021**

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 3213407/20**

**BETWEEN**

**Ms Anderson  
AND  
Matalan**

**CALCULATION OF LOSS**

**1. Details**

Date of birth of claimant	09/12/1986
Date started employment	03/11/2014
Effective Date of Termination	11/11/2020
Period of continuous service (years)	6
Age at Effective Date of Termination	33
Date new equivalent job started or expected to start	20/06/2021
Remedy hearing date	26/07/2021
Date by which employer should no longer be liable	20/06/2021
Statutory notice period (weeks)	6
Net weekly pay at EDT	124.92
Gross weekly pay at EDT	128.79
Gross annual pay at EDT	6,864.00

**2. Basic award**

Basic award	772.74
Number of qualifying weeks (6) x Gross weekly pay (128.79)	
<b>Total basic award</b>	<b>772.74</b>

**3. Compensatory award (immediate loss)**

Loss of net earnings	3,947.47
Number of weeks (31.6) x Net weekly pay (124.92)	
Plus loss of statutory rights	250.00
<b>Total compensation (immediate loss)</b>	<b>4,197.47</b>

**4. Adjustments to total compensatory award**

<b>Compensatory award before adjustments</b>	<b>4,197.47</b>
<b>Total adjustments to the compensatory award</b>	<b>0.00</b>
<b>Compensatory award after adjustments</b>	<b>4,197.47</b>

**5. Summary totals**

Basic award	772.74
Compensation award including statutory rights	4,197.47
<b>Total</b>	<b>4,970.21</b>
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	<b>4,970.21</b>