



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Kulikowski

**Respondent:** Posh Kebabs London Ltd (in creditors voluntary liquidation)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rules 21 and 37

1. By a letter dated 21 August 2021 the tribunal gave the respondent an opportunity to request a hearing or to make representations as to why the response should not be struck out because the respondent has not complied with the tribunal's order of 28 March 2021 and the response has not been actively pursued. The respondent has failed to make representations as to why the response should not be struck out. The response is therefore struck out and rule 37(3) and rule 21 apply.
2. Judgment is issued for the claimant as follows.
3. The respondent has made an unauthorised deduction from the claimant's wages during furlough and is ordered to pay the claimant the gross sum of £254.09.
4. The claimant was dismissed in breach of contract in respect of two weeks' notice and the respondent is ordered to pay damages to the claimant in the gross sum of £1,067.14.
5. The respondent has failed to pay the claimant in respect of 16 days accrued but untaken holiday and is ordered to pay the claimant the gross sum of £1,532.57.
6. The sums at paragraphs 3, 4 and 5 are gross sums. If the respondent pays the applicable tax and NICs to HMRC, payment of the net sum to the claimant will satisfy the judgment.
7. The claimant was dismissed by reason of redundancy. He is entitled to a redundancy payment of £1,076 (two weeks' pay subject to the legal limit on a weeks' pay of £538). This sum must be paid in full.
8. No award can be made in respect of a reduction to universal credit caused by the respondent's late payment of wages to the claimant prior to this claim being presented.

Employment Judge Hawksworth

---

Date: 22 September 2021

JUDGMENT SENT TO THE PARTIES ON

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE