



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Cleminson

**Respondent:** Metcalfe Farms Haulage Ltd

## JUDGMENT

The judgment of the Tribunal is that:

1. The claim for wrongful dismissal (notice pay) is well founded and succeeds.
2. The Respondent is ordered to pay the Claimant **£1,375.29** by way of damages.

## REASONS

3. The Claimant presented a Claim Form on 19 October 2021 in which he brought a claim for payment of notice pay.
4. The proceedings were served on the Respondent on 27 October 2021 with a response date of 24 November 2021. No response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
5. The Claimant was employed as an Account Manager from 06 January 2020 to 09 August 2021. At the date of termination of employment he earned £588.96 a week gross, equating to £458.43 net per week. He was contractually entitled to 4 weeks' notice but in fact was given no notice and a week's payment in lieu.
6. I am satisfied that there is sufficient information on which I could issue a judgment in the Claimant's favour to the extent that in failing to give him notice of 4 weeks' notice the Respondent was in breach of contract. The damages owed to the Claimant amounts to 3 x weeks' net pay, totaling £1,375.29.

Employment Judge Sweeney

29 November 2021