



EMPLOYMENT TRIBUNALS

Claimant: Mr Mircea Topirceanu
Respondent: Tanber Solutions Ltd
On: 15 December 2021
Before: Employment Judge Ahmed (sitting alone)
At: Leicester

Representation

Claimant: In person
Respondent: No appearance or representation

JUDGMENT

The Judgement of the Tribunal is that:

1. The claim for a redundancy payment was presented outside the period of 6 months from the relevant date as required by section 164(1) of the Employment Rights Act 1996 but pursuant to section 164(2) of the Employment Rights Act 1996, it is just and equitable to accept the claim for a redundancy payment.
2. The claims for breach of contract, unlawful deduction of wages and holiday pay were presented out of time but it was not reasonably practicable for the complaints to have been presented in time. Accordingly, time is extended to enable those complaints to proceed.
3. Pursuant to Rule 48 of the Employment Tribunal Rules of Procedure 2013 this preliminary hearing has been treated as a final hearing as the Tribunal is satisfied that neither party shall be materially prejudiced by the decision.
4. The Respondent has failed to file a Response (ET3) within the time limit required by Rule 16 of the Employment Tribunal Rules of Procedure 2013. Upon considering the evidence supplied by the Claimant in his ET1 Claim Form and in the oral evidence given today it is appropriate to enter a judgment pursuant to Rule 21 of the Employment Tribunal Rules of Procedure 2013.
5. The Claimant was dismissed by reason of redundancy is entitled to a redundancy payment of £2,436.00

6. The claimant was dismissed in breach of contract in that he was not given minimum notice of termination as required by section 86 of the Employment Rights Act 1996. The Respondent is ordered to pay to the Claimant damages for breach of contract of £1,831.20 gross.

7. The Respondent has made an unauthorised deduction from the claimant's wages of 2 weeks of wages at £261.60. The Respondent is ordered to pay the claimant the sum of £523.20 gross.

8. The Respondent has failed to pay the Claimant's holiday entitlement and is ordered to pay the Claimant the sum of £156.96 gross.

Employment Judge Ahmed

Date: 16 December 2021

JUDGMENT SENT TO THE PARTIES ON

22 December 2021

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FOR THE TRIBUNAL OFFICE

Note: 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.

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