



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Smith

**Respondent:** The Secretary of State for Business, Energy and Industrial Strategy

## JUDGMENT

1. The respondent's response is hereby struck out.
2. The respondent is ordered to pay to the claimant the gross sum of £4,200 in respect of unpaid wages and the gross sum of £2,514.75 in respect of accrued but untaken holiday entitlement as at the date of termination of employment.

## REASONS

The respondent was ordered to show cause by 11 February 2022 as to why judgment should not be entered in the claimant's favour for the amounts set out in the Tribunal's case management orders sent to the parties on 8 December 2021. The respondent has written to the tribunal by letter of 11 February, but has not engaged with the jurisdictional and other issues raised which caused the tribunal to make the order, again as set out in the discussion recorded of the preliminary hearing sent to the parties on 8 December 2021. In particular, the tribunal had noted that judgment had already been made against the respondent's employer which had since become insolvent. All the respondent has done is to reassert that it is unable to determine the amounts due to the claimant, but this is in circumstances where at a previous tribunal hearing such amounts have already been determined by the tribunal. Otherwise, the respondent has simply asserted that there have been allegations of fraud in respect of the claimant's representations as to the true nature of his contractual relationship with his employer. The tribunal set out the amounts it appeared were due to the claimant from the respondent applying the limits on the respondent's liability pursuant to the Employment Rights Act 1996 and the cap on a week's pay.

The claimant has not disputed the figures calculated by the tribunal save that he

**Case No: 1801075/2021**

asserts that the statutory cap ought to apply separately to each of two separate appointments and contracts of employment he held with the employer. The tribunal is satisfied that the statutory cap applies to the total consolidated payments due from the insolvent employer to employee regardless of the number of distinct contracts of employment pursuant to which the payments may have become due.

Employment Judge Maidment

Date 22 February 2022