



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs C Fusha

**Respondent:** David Rehman T/a Symphony Automation

**Heard at:** Birmingham Employment Tribunal    **On:** 23/10/2019

**Before:** Employment Judge Butler

## Representation

Claimant: claimant represented herself

Respondent: non-attendance

# JUDGMENT

The decision of the employment tribunal, reasons for which were handed down orally at the hearing, is that:

1. The claims relating to non-payment of tax and National Insurance by the employer is dismissed on withdrawal.
2. The claimant succeeds in her claim for a breach of contract in relation to non-payment of wages,
3. The claimant succeeds in her claim for a redundancy payment.
4. The claimant succeeds in her claim for failure to pay notice pay
5. The claimant succeeds in her claim for holiday pay.
6. The claimant's does not succeed in her unfair dismissal claim, and this claim is dismissed.
7. The claimant is awarded 2 weeks gross pay for failing to provide her with a written statement of particulars.

# REMEDY

8. The claimant is awarded the gross sum of £3,461.53 for failure by the respondent to pay wages for the final 6 weeks of the claimant's

- employment.
9. The claimant is awarded the net sum of £3,675 for her redundancy payment. This has been calculated as follows:
    - a. The claimant worked for 6 full years for the respondent after having turned 22. This period attracts a multiplicand of 1.
    - b. The claimant worked for 2 full years for the respondent before having turned 22. This period attracts a multiplicand of 0.5.
    - c. The claimant's gross salary is £576.92 per week. As this exceeds the statutory maximum weekly pay of £525, the lower figure must be applied in the redundancy calculation.
    - d. The calculation is thus as follows:  $(525 \times 6 \times 1) + (525 \times 2 \times 0.5)$   
= £3,675
  10. Pursuant to s.86 the claimant is entitled to 8 weeks-notice pay. For failing to give notice of dismissal, the claimant is awarded the net sum of £3,832.23.
  11. The claimant is awarded the gross sum of £1,730.77, which represents 3 weeks unpaid holiday pay.
  12. The claimant is awarded the gross sum of £1,153.84 for a failure by the respondent to provide her with a written statement of particulars.
  13. For the avoidance of doubt, the total award that the claimant is awarded is £13,853.37.

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Employment Judge **Butler**

Date 23/10/2019

JUDGMENT SENT TO THE PARTIES ON

.....23/10/19.....

.....  
FOR THE TRIBUNAL OFFICE

Notes

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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Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.