



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S McCann

**Respondent:** Lunar Automotive Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued in the North West Employment Tribunals on 9 December 2021. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.
2. The respondent has made an unauthorised deduction from the claimant's wages in respect of wages earned for the period 15 December 2020 to 30 June 2021 and is ordered to pay the claimant the gross sum of £10,468.45.
3. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £6,687.60. This is a net sum but is based on the claimant's gross pay because it is likely that upon receipt the claimant will have to pay tax on this amount as Post Employment Notice Pay.
4. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £14,144.
5. The respondent has made an unauthorised deduction from wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the sum of £1,393.25.
6. The respondent was in breach of contract by paying the claimant at the rate of 80% rather than 100% of normal pay for holiday taken in the period 26 March 2020 to 8 March 2021. The respondent is ordered to pay damages to the claimant in the sum of £178.34. This is a net sum but is based on the claimant's gross pay because no net figure has been provided and the difference between the gross and net sum is likely to be very small, if any.

Note on amount of damages: no figure was provided by the claimant for the amount of damages claimed, but one day's full pay was £111.46. £178.34 is 20% of 8 x £111.46.

7. The complaint about deductions for employee's pension contributions but not paid into the pension scheme is currently stayed and will be dealt with in a separate judgment.
8. The respondent is to pay any gross sums for unauthorised deductions from wages less the appropriate deductions for tax and national insurance, if any, for which it must account to HMRC.

Employment Judge Slater

---

Date: 22 March 2022

JUDGMENT SENT TO THE PARTIES ON  
23 March 2022

.....  
AND ENTERED IN THE REGISTER

.....  
FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

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.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2415137/2021**

Name of case(s): **Mr S McCann** v **Lunar Automotive Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 23 March 2022

"the calculation day" is: 24 March 2022

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office