



EMPLOYMENT TRIBUNALS

Claimants:

- Mr G Hitchen
- Ms C Cranshaw
- Mr S Dever
- Mr S Hamilton-Hall
- Mr R Jennings
- Mr S Marsden
- Mr G Tunney

Respondent: Lunar Automotive Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21 and Rule 60

Judgments having already been issued for some of the claims brought by some of these claimants, upon the claimants having provided further information, judgment is given in relation to some or all of their remaining claims on the basis of no response having been presented or on the basis of admissions in the response, as follows:

Mr G Hitchen

1. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £15,776.
2. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.
3. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 11 December 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £11,320.40..

**Case Numbers: 2419619/2020 and others
(see schedule)**

4. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £3,144.56.
5. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant during his notice period of 28 April 2021 to 22 July 2021 and is ordered to pay the claimant the gross sum of £8,385.48.
6. The complaint about underpayment for holiday taken in the period April to August 2020 will be the subject of a further judgment on paper or will be determined at a final hearing.

Ms C Cranshaw

7. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £9,605.12.
8. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.
9. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 5 December 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £8,137.25.
10. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £2,413.59.
11. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant during her notice period of 28 April 2021 to 22 July 2021 and is ordered to pay the claimant the gross sum of £5,910.84.
12. The respondent has made an unauthorised deduction from the claimant's wages by paying the claimant at the rate of 80% rather than 100% pay for the August 2020 bank holiday and is ordered to pay the claimant the gross sum of £19.70.
13. The complaint about underpayment for holiday taken in the period April to May 2020 will be the subject of a further judgment on paper or will be determined at a final hearing.

Mr S Dever

14. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £13,113.10.
15. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.

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(see schedule)**

16. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 1 September 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £13,141.73.
17. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £2002.73.
18. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant during his notice period of 28 April 2021 to 22 July 2021 and is ordered to pay the claimant the gross sum of £5,722.08.
19. The respondent has made an unauthorised deduction from the claimant's wages by paying the claimant at the rate of 80% rather than 100% pay for the August 2020 bank holiday and is ordered to pay the claimant the gross sum of £19.07.
20. The complaint about underpayment for holiday taken in the period April to May 2020 will be the subject of a further judgment on paper or will be determined at a final hearing.

Mr S Hamilton-Hall

21. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £7,263.36.
22. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.
23. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 1 September 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £12,438.50.
24. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £2,405.98.
25. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant during his notice period of 28 April 2021 to 22 July 2021 and is ordered to pay the claimant the gross sum of £5,447.52.
26. The respondent has made an unauthorised deduction from the claimant's wages by paying the claimant at the rate of 80% rather than 100% pay for the August 2020 bank holiday and is ordered to pay the claimant the gross sum of £18.16.

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27. The complaint about underpayment for holiday taken in the period April to May 2020 will be the subject of a further judgment on paper or will be determined at a final hearing.

Mr R Jennings

28. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £1,331.46.

29. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.

30. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 2 December 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £7544.94.

31. The respondent has made an unauthorised deduction from the claimant's wages by paying the claimant at the rate of 80% rather than 100% pay for the August 2020 bank holiday and is ordered to pay the claimant the gross sum of £17.75.

32. The complaints about underpayment for holiday taken in the period April to May 2020, failure to pay in lieu of accrued but untaken holiday entitlement and failure to pay the claimant during the notice period will be the subject of a further judgment on paper or will be determined at a final hearing.

Mr S Marsden

33. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £13,604.04.

34. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.

35. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 1 September 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £14,066.06.

36. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £1899.43.

37. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant during his notice period of 28 April 2021 to 22 July 2021 and is ordered to pay the claimant the gross sum of £6,160.32.

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(see schedule)**

38. The respondent has made an unauthorised deduction from the claimant's wages by paying the claimant at the rate of 80% rather than 100% pay for the August 2020 bank holiday and is ordered to pay the claimant the gross sum of £20.53.
39. The complaint about underpayment for holiday taken in the period April to May 2020 will be the subject of a further judgment on paper or will be determined at a final hearing.

Mr G Tunney

40. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £14,016.60.
41. The complaint of unfair dismissal is well founded and remedy will be determined by either a further judgment on paper, or at a final hearing to be arranged.
42. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay other than during 5 bank holidays for which pay at 100% was due) in the period 1 September 2020 to 28 April 2021 inclusive and is ordered to pay the claimant the gross sum of £13,155.58.
43. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £2009.05.
44. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant during his notice period of 28 April 2021 to 22 July 2021 and is ordered to pay the claimant the gross sum of £5,606.64.
45. The respondent has made an unauthorised deduction from the claimant's wages by paying the claimant at the rate of 80% rather than 100% pay for the August 2020 bank holiday and is ordered to pay the claimant the gross sum of £18.69.
46. The complaint about underpayment for holiday taken in the period April to May 2020 will be the subject of a further judgment on paper or will be determined at a final hearing.

Complaints in relation to employee pension contributions

47. The complaints in relation to the deduction of employee's pension contributions not paid to the pension scheme are stayed until 17 June 2022 to allow the claimants to explore an alternative way of pursuing this complaint through the Pensions Ombudsman and Pensions Regulator.

Employment Judge Slater

Date: 3 May 2022

JUDGMENT SENT TO THE PARTIES ON
4 May 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 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 numbers: **2419619/2020 & others**

Name of cases: **Mr G Hitchen & others** 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: 4 May 2022

"the calculation day" is: 5 May 2022

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

For the Employment Tribunal Office

**Case Numbers: 2419619/2020 and others
(see schedule)**

Schedule

2418581/2020 & 2411457/2021	Mr Sean Dever
2418587/2020 & 2411458/2021	Mr Stephen Hamilton-Hall
2418596/2020 & 2411460/2021	Mr Shaun Marsden
2418759/2020 & 2411456/2021	Ms Charlotte Cranshaw
2419496/2020 & 2411461/2021	Mr Gary Tunney
2419619/2020 & 2411455/2021	Mr Gary Hitchen
2419658/2020 & 2411459/2021	Mr Ryan Jennings