



EMPLOYMENT TRIBUNALS

Claimant: Irene Maisie Dora Cleave

Respondent: Roy Hurst T/A the Old Thatch Inn

Heard at: Bristol (via VHS) **On:** 15th and 16th March 2022

Before: Employment Judge Lang

Representation

Claimant: Mr H. Cross, solicitor

Respondent: Mr Hurst in person

JUDGMENT

This Judgment has been subject to reconsideration of 14th April 2022

1. The Judgment of the tribunal is that the Claimant was unfairly constructively dismissed for which the respondent shall pay to the Claimant (subject to the Recoupment Regulations as detailed below), the total sum of **£5,280.70** which comprises of:
 - a. £972.10 as a basic award
 - b. £3,644.18. compensatory award. That being calculated on the gross figures given the financial information indicated that the Claimant had not reached the income tax threshold and therefore this being considered to be her loss.
 - c. £364.42 ACAS uplift (calculated at 10%)
 - d. £300.00 loss of statutory rights.

2. The total sum and the sum for the compensatory award, have been increased following reconsideration of the Tribunal's own initiative in accordance with the written reasons set out below.
3. The Respondent was in breach of contract by dismissing the Claimant without notice, and failing to pay her wages for the period of 29th June 2020 to 10th September 2022.
4. The Respondent is ordered to pay the Claimant the total sum of **£9,072.93**, for the breach of contract claims. That is comprised of; £4,212.43 (gross pay for failure to pay her notice) and £4,860.50 (gross pay for, failure to pay the wages for the relevant period). The Claimant is responsible for discharging any tax liabilities on these sums given they are calculated on the gross basis.
5. The Respondent is ordered to pay the claimant the sum of **£2,139.54** which is the net sum owed to her pursuant to the Working Time Regulations 1998 for accrued but unpaid holiday pay.
6. The Claimant's application for costs of the postponed final hearing in October 2021 is refused.
7. The Court not having had time to consider the Claimant's application for costs of the proceedings, the Claimant shall apply to the Court office for an application if that is pursued.

Employment Judge Lang
Date 28 April 2022

Reasons sent to parties: 9 May 2022

FOR THE TRIBUNAL OFFICE