



EMPLOYMENT TRIBUNALS

Claimant: Lee Barrett

Respondent: PBM London Ltd

Heard at: Watford **On:** 22nd March 2022

Before: Employment Judge Dick

Representation

Claimant: Mr Sim (solicitor)

Respondent: (The Respondent was not formally participating, though Mr Bridges, the former director, was in attendance.)

UPON a reconsideration of the oral judgment dated 22nd March 2022, on the Tribunal's own initiative under rule 73 of the Employment Tribunals Rules of Procedure 2013, and without a hearing, Employment Judge Dick issues the following judgment. (Only paragraph 4 differs from the oral judgment, which initially awarded the sum of £ 3,403.80, being the gross loss, for breach of contract in respect of notice.)

JUDGMENT

1. The request for a postponement (considered by the Tribunal of its own motion since it was made not by one of the parties but by the person yet to be appointed as the liquidator for the Respondent) is refused.
2. The applications for reconsideration under Rule 70 of the Rule 21 judgment of Employment Judge R Lewis dated 19th March 2021, and for an extension of time under Rule 20 to present a response, are both refused.
3. The Respondent made an unauthorised deduction from the Claimant's wages, by failing to pay the Claimant holiday pay accrued before his dismissal, and is ordered to pay to the Claimant the gross sum of £ 1021.14.
4. 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 £ 2,723.04, being the net loss.

5. The Claimant was unfairly dismissed by the Respondent.
6. The Respondent shall pay to the Claimant compensation for unfair dismissal of £ 12175, made up as follows:
 - 6.1. A Basic award of £ 3228 (6 years' gross pay at a weekly rate of £ 567 capped at £ £ 538); and
 - 6.2. A compensatory award of £ 8947, calculated as follows:
 - 6.2.1. Loss of net pay 15 weeks (i.e. between the date the notice period should have ended and the date on which the Claimant found new employment): $15 \times 453.84 = £ 6,807.60$
 - 6.2.2. Add £ 350 for loss of statutory rights = £ 7157.60
 - 6.2.3. Uplift of 25 % under s207A Trade Union and Labour Relations (Consolidation) Act 1992 = £ 8947
7. The recoupment regulations do not apply.

Employment Judge **Dick**

Date 03/05/2022

JUDGMENT SENT TO THE PARTIES ON

20/06/2022

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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