



EMPLOYMENT TRIBUNALS

Claimant:

Miss N Moon

v

Respondent:

Warehouse Fashions Limited
(in administration) (1)

Oasis and Warehouse Limited
(in administration) (2)

JUDGMENT

1. The claims for arrears of pay and notice pay against the first respondent succeed.
2. The first respondent is ordered to pay the claimant the sum of £1,923.07 in respect of arrears of pay due to the claimant for the period 1 to 15 April 2020. This is the gross figure due, prior to any payment from the Redundancy Payments Service. Payment of the net sum less any payment by the Redundancy Payments Service may be made, provided tax and national insurance are properly accounted for.
3. The first respondent is ordered to pay the claimant the sum of £11,538.46 by way of damages for breach of notice. This is the gross figure due, prior to any payment from the Redundancy Payments Service. Payment of the net sum less any payment by the Redundancy Payments Service may be made, provided tax and national insurance are properly accounted for.
4. The claims against the second respondent are dismissed.

REASONS

1. The claimant was employed by the first respondent, a national British fashion retailer which went into administration on 15 April 2020. The claimant brought an employment tribunal claim making claims for a protective award (for failure to consult), for arrears of pay and for notice pay. The claim was stayed pending consent from the administrators of the first respondent.
2. In the ET3 and grounds of resistance presented on 27 September 2021, the administrators of the first respondent granted consent for the claimant's claim against the first respondent to proceed. The first respondent did not contest

the claimant's claim for a protective award; judgment for a protective award was issued dated 19 January 2022.

3. The claimant's pay claims were considered at a hearing by video on 19 July 2022. The claimant did not attend and was not represented. The tribunal accepts the information provided in the claimant's claim form (ET1) that she was not paid for the period from 1 to 15 April 2020, that she was entitled to 12 weeks' notice and that she was not given notice or pay in lieu of notice. The amounts owing are £1,923.07 in arrears of pay and £11,538.46 in notice pay. These are the gross figure due, prior to any payment from the Redundancy Payments Service. Payment of the net sum less any payment made by the Redundancy Payments Service may be made, provided tax and national insurance are properly accounted for.
4. The claimant was employed by the first respondent, not the second respondent. The claims against the second respondent are dismissed.

Employment Judge Hawksworth

Date: 5 August 2022

Sent to the parties on: 9 August 2022

For the Tribunal Office

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