



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Stephenson  
**Respondent:** Acorn Sheetmetal Limited

## AT A HEARING

**Heard at:** Hull                      **On:** 5<sup>th</sup> August 2022  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** In person  
**Respondent:** No valid Response submitted, did not attend, and no application for a postponement

## JUDGMENT

1. The Response, which was due on 4<sup>th</sup> July 2022 and which was submitted late on 8<sup>th</sup> July 2022, is not accepted. Under rule 21 of the Employment Tribunals Rules of Procedure 2013, a judgment might therefore now be entered, and the Respondent would only be permitted to participate in these proceedings to the extent allowed by the Employment Judge.
2. Pursuant to rule 47, having proceeded in the absence of the Respondent and heard evidence from the Claimant it is declared:
  - 2.1 The Claimant was dismissed by reason of redundancy on 23<sup>rd</sup> March 2022.
  - 2.2 The Claimant is entitled to a statutory redundancy payment, calculated on the basis of 14 years both presumed under section 210 (5) and actual continuous employment, applying section 97(2) of the Employment Rights Act 1996, at 1 ½ weeks pay for each year served.
  - 2.3 The Claimant was wrongfully dismissed in breach of his contractual and statutory right to 12 weeks notice.
  - 2.4 The Respondent has made an unauthorised deduction from the Claimant's wages by not paying him for the 3 days 21<sup>st</sup> to 23<sup>rd</sup> March 2022 at the temporarily reduced rate which was then applied during a period of lay-off.
3. The Respondent is therefore ordered to pay compensation to the Claimant as follows:

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3.1	Redundancy payment	£10,122.84
3.2	Pay in lieu of notice	£5,784.48 gross
3.3	3 days wages @ £30.00 per day	<u>£90.00 gross</u>
		£15,997.32

EMPLOYMENT JUDGE LANCASTER  
DATE 5<sup>th</sup> August 2022

JUDGMENT SENT TO THE PARTIES ON  
Date: 16<sup>th</sup> August 2022