



EMPLOYMENT TRIBUNALS

Claimants:

Miss L Mellor

v

Respondent:

Oasis Fashions Limited (in
administration)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – rule 47

1. The claims for arrears of pay, holiday pay and notice pay succeed.
2. The respondent is ordered to pay the claimant the sum of £229.47 in respect of arrears of pay due to the claimant for the period 1 to 15 April 2020 after a capped payment was made by the Redundancy Payments Service. This is the gross figure due; payment of the net sum may be made, provided tax and national insurance are properly accounted for.
3. The respondent is ordered to pay the claimant the sum of £1,012.64 in respect of pay for untaken holiday due to the claimant after a capped payment was made by the Redundancy Payments Service. This is the gross figure due; payment of the net sum may be made, provided tax and national insurance are properly accounted for.
4. The respondent is ordered to pay the claimant the sum of £5,711.54 by way of damages for breach of notice. This is the gross figure due after a capped payment was made by the Redundancy Payments Service. Payment of the net sum may be, made provided tax and national insurance are properly accounted for.

REASONS

1. The claimant was employed by the 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, holiday pay and for notice pay. The claim was stayed pending consent from the administrators of the respondent.
2. In the ET3 and grounds of resistance presented on 27 September 2021, the administrators of the respondent granted consent for the claimant's claim

against the respondent to proceed. The respondent did not contest the claimant's claim for a protective award; judgment for a protective award was issued dated 28 January 2022.

3. The claimant's pay claims were considered at a hearing by video on 18 July 2022. The claimant did not attend and was not represented. The tribunal accepts the information provided in the claimant's claim form (ET1) in her duplicate claim 2203674/2020 that she was entitled to 12 weeks' notice and that she was not given notice or pay in lieu of notice. The tribunal accepts the information given in the claimant's claim form that she is due pay in lieu of 9 weeks' notice after a capped payment was made by the Redundancy Payments Service. The amount owing is £5,711.54 (calculated as £33,000 divided by 52 x 9 weeks). This is the gross figure; the debt to the claimant may be satisfied by payment of the net figure, provided tax and national insurance are properly accounted for.
4. The tribunal accepts the information provided in the claimant's claim for that she was entitled to arrears of pay for the period 1 to 15 April 2020 for which she received a part payment from the Redundancy Payments Service, and that £229.47 remains owing to her.

Employment Judge Hawksworth

Date: 4 August 2022

Sent to the parties on: 8 August 2022

For the Tribunal Office

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