



EMPLOYMENT TRIBUNALS

Claimant: Mr Innocent Chikwenya
Respondent: Daykin Limited (1)
Dreams Bistro Limited (2)
Heard at: Nottingham
On: 28 November 2022
Before: Employment Judge Clark
Mrs J Hallam
Mr JC Tansley

Representation

Claimant: Mr Chikwenya in person.
1st Respondent: Has not entered a response. Did not attend and was not represented.
2nd Respondent: Mr C Martzellos, Proprietor.

JUDGMENT

The unanimous judgment of the tribunal is that: -

1. The claim of unfair dismissal **fails and is dismissed**.
2. It is declared that there was a transfer of an economic entity which retained its identity between the first and Mr Martzellos (acting in partnership on behalf of himself and his sisters) on 30 May 2022 and a second transfer of an economic entity between that partnership and the second respondent on 7 June 2022.
3. The claim of failure to consult **succeeds** against the **first** respondent. The claimant is entitled to a protective award calculated in the sum of 9 weeks pay (£543.75 x 9) **£4,893.75**.

4. The claim of breach of contract in respect of notice **succeeds against the second respondent**. The claimant has fully mitigated his loss and no award of damages is made.
5. It is declared that the claimant suffered an unauthorised deduction from wages during the period between 30 May and 16 June 2022 inclusive during which received no pay. The second respondent shall pay the claimant the net sum of **£1,067.81**.
6. The claim for accrued but outstanding holiday succeeds. The **second** respondent shall pay the claimant the net sum of **£588.84**

Employment Judge Clark

28 November 2022

Reasons having been given orally at the conclusion of the hearing, written reasons will not be provided unless they were requested at the hearing or written application is made within 14 days of this judgment being sent to the parties.