



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms R Lopez Valerga

**Respondent:**

**(1) Byron Hamburgers Ltd (in Administration)**

**(2) Secretary of State for Business, Energy, and Industrial Strategy**

**Heard at: London South (CVP)**

**On: 12 October 2022**

**Before: Employment Judge A.M.S. Green**

## **Representation**

**Claimant:** Not present or represented

**Respondent:** Not present or represented

# JUDGMENT

1. The claimant's claim for a redundancy payment having no reasonable prospect of success is struck out.
2. The application for a protective award pursuant to section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") is well founded.
3. The first respondent is ordered to pay remuneration calculated in accordance with section 190 of the 1992 Act to the claimant who was dismissed as redundant on 31 July 2020 for the protected period. For the avoidance of any doubt, the award contained in this Judgment relates only to the claimant.
4. The protected period is for 90 days and is from 31 July 2020 to 29 October 2020.
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 ("the 1996 Regulations") apply to this award. Regulation 6 imposes a duty on the first respondent to provide information to the Secretary of State (as referred to in the 1996 Regulations). Regulation 7 postpones this award in order to enable the Secretary of State (as referred to in the 1996 Regulations) to serve a recoupment notice under Regulation 8.
6. The second respondent ought to pay to the claimant such amount of the protective award as falls within the statutory guarantee provisions set out in Part XII of the Employment Rights Act 1996.

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Employment Judge Green

Date 12 October 2022

Note

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.