



# EMPLOYMENT TRIBUNALS

**Claimants:** 1. Mrs Cheryl Stake  
2. Mrs Gail Stoddard  
3. Mrs Paula Ball

**Respondent:** Phong Kieu

**HELD AT:** Manchester Employment Tribunal      **ON:** 10 January 2023 (by CVP)

**BEFORE:** Employment Judge Ficklin

## REPRESENTATION:

**Claimants:** Mr Abdul-karim Al-Malahi, Salford Unemployed & Community Resource Centre

**Respondents:** No appearance

## JUDGMENT

### First Claimant

1. The first claimant is Mrs Cheryl Stake. Her claim against the respondent for failure to make a redundancy payment is well-founded. She is awarded £4275 in redundancy pay.
2. Mrs Stake's claim for breach of contract (notice pay) is well-founded. She is awarded £1900 in notice pay.
3. Mrs Stake is awarded two weeks' gross pay (£380) under Section 38 (3)(a)-(b) of the Employment Act 2002 due to the respondent's failure to provide a statement of employment particulars.
4. Mrs Stake is awarded a total of £6555.

### **Second Claimant**

5. The second claimant is Mrs Gail Stoddard. Her claim against the respondent for failure to make a redundancy payment is well-founded. She is awarded £1311 in redundancy pay.
6. Mrs Stoddard's claim for breach of contract (notice pay) is well-founded. She is awarded £570 in notice pay.
7. Mrs Stoddard is awarded two weeks' gross pay (£114) under Section 38 (3)(a)-(b) of the Employment Act 2002 due to the respondent's failure to provide a statement of employment particulars.
8. Mrs Stoddard is awarded a total of £1995.

### **Third Claimant**

9. The first claimant is Mrs Paula Ball. Her claim against the respondent for failure to make a redundancy payment is well-founded. She is awarded £2736 in redundancy pay.
10. Mrs Ball's claim for breach of contract (notice pay) is well-founded. She is awarded £1520 in notice pay.
11. Mrs Ball is awarded two weeks' gross pay (£304) under Section 38 (3)(a)-(b) of the Employment Act 2002 due to the respondent's failure to provide a statement of employment particulars.
12. Mrs Ball is awarded a total of £4560.

Employment Judge Ficklin  
10 January 2023

SENT TO THE PARTIES ON  
12 January 2023

FOR THE TRIBUNAL OFFICE

#### Notes:

- (1) This judgment follows a "CVP" hearing that took place on a remote video platform. Neither party objected to the format of the hearing.
- (2) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2404937/2022 & Others**

Name of case: **Mrs C Stake & Others** v **Phong Kieu**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 12 January 2023

**the calculation day** in this case is: 13 January 2023

**the stipulated rate of interest** is: **8% per annum**.

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.