Case No: 2405945/2022, 2405946/2022, 2405947/2022



## **EMPLOYMENT TRIBUNALS**

Claimants: Mr R Lane, Mr J Lane, Mr F Lane

**Respondent:** Ormskirk Fabrications Limited

# **JUDGMENT**

**Employment Tribunals Rules of Procedure 2013 – Rule 21** 

The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure.

The claims brought by the claimants of:-

- 1. Non-payment of holiday pay
- 2. Breach of contract in respect of notice pay
- 3. Non-payment of statutory redundancy pay

succeed to the extent set out in the attached schedules.

**Employment Judge Leach** 

Date 15 February 2023

JUDGMENT SENT TO THE PARTIES ON

20 March 2023

FOR THE TRIBUNAL OFFICE

#### Schedule One - Mr R Lane (2405945/2022)

- 1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £5,148.00 (Statutory notice of 11 weeks at £468.00 per week).
- 2. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £4,446.00 (1 week for every complete year of service when the claimant was aged between 22 40: 8 x 1 x £468.00 = £3,744.00; 0.5 week's pay for every complete year of service when the claimant was aged under 21: 3 x 0.5 x £468.00 = £702.00).
- 3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £2,152.80 (£468.00 per week divided by 5 days = £93.60 x 23 days).

### Schedule Two - Mr J Lane (2405946/2022)

- 1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £3,744.00 (Statutory notice of 8 weeks at £468.00 per week).
- 2. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £2,808.00 (1 week for every complete year of service when the claimant was aged between 22 40: 4 x 1 x £468.00 = £1,872.00; 0.5 week's pay for every complete year of service when the claimant was aged under 21: 4 x 0.5 x £468.00 = £936.00).
- 3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £1,965.60 (£468.00 per week divided by 5 days = £93.60 x 21 days).

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#### **Schedule Three – Mr F Lane (2405947/2022)**

- 1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £5,844.00 (Statutory notice of 12 weeks at £487.00).
- 2. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £9,496.50 (1.5 week for every complete year of service when the claimant was aged over 40: 13 x 1.5 x £487.00).
- 3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £2,240.20 (£487.00 per week divided by 5 days =  $97.40 \times 23$  days).

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#### NOTICE

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

Case numbers: 2405945/2022, 2405946/2022, 2405947/2022

Name of cases: Mr R Lane v Ormskirk Fabrications

Mr J Lane Limited

Mr F Lane

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: 20 March 2023

the calculation day in this case is: 21 March 2023

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

For the Employment Tribunal Office