



EMPLOYMENT TRIBUNALS

Claimant: Mr Alan Burt
Respondent: Keepout Limited (in liquidation)
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 15 March 2023
Before: Employment Judge B Elgot

Representation

Claimant: In person
Respondent: Did not enter a response, did not appear and was not represented

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

The liquidators are FRP Advisory Trading Ltd, 4 Beaconsfield Road, St Albans AL1 3 RD. The amount for estimated total assets available for preferential creditors is nil.

The Employment Judge gave judgment as follows:-

JUDGMENT

1. The claims of unfair dismissal and for a redundancy payment were struck out on 30 January 2023 because the Claimant has less than two years service.
2. The claim for unpaid wages SUCCEEDS. The Claimant was employed from 25 May 2021 until 29 August 2022 as a Project Manager. He was paid £1153 per week gross and £831 per week net. This is a daily rate gross of £230.60.
3. He was not paid for three days on 8,9 and 10 August 2022. He is therefore entitled to the sum of **£691.80** in unpaid wages and this must be paid by the Respondent to the Claimant within 14 days.

4. The claim for accrued and unpaid holiday pay also SUCCEEDS. The Claimant was not paid for his holiday from 10-28 August 2022 which is 18 days x £230.60 = £4150.80. In addition, at the date of termination of his employment he had accrued two additional day's holiday which are unpaid amounting to a further sum of £461.20. The total amount payable by the Respondent to the Claimant within 14 days is **£4612.00**.
5. The Claimant has a contractual right to four weeks' notice pay amounting to **£4612.00**. This amount is payable to him by the Respondent within 14 days.
6. The claim for storage charges for a company vehicle does NOT SUCCEED. The Claimant is unable to prove any contractual right to be paid such charges and nor has he shown any calculation of the relevant amounts. He has failed to discharge his burden of proof in this respect.
7. The grand total is **£9915.80**.
8. All the above sums are **calculated gross**.
9. The Claimant has received the following amounts from the BEIS Insolvency Service (Redundancy Payments Section) which are subject to the cap of a maximum weekly wage of £571 and which have been the subject of deductions for tax and national insurance:-
 - (i) Two amounts for arrears of pay, calculated net, for the period 8-30 August 2022 **£880.39 + £502.08** plus holiday pay **£88.18**
= £1470.65
 - (ii) Notice pay, calculated net, for 30 August to 5 September 2022.
£417.32.

Employment Judge B Elgot
Date: 22 March 2023