



EMPLOYMENT TRIBUNALS

Claimant: Ms. O.M. Labza
Respondent: Panzo Pizza Limited

London Central

Employment Judge Goodman

29 March 2023

Rule 21 JUDGMENT

The respondent is ordered to pay the claimant:

1. Notice pay in the sum of £1,588.40
2. A redundancy payment of £1,713.

REASONS

1. The claimant presented a claim to the employment tribunal on 2 January 2023 for notice pay, holiday pay and redundancy pay. She stated the respondent had told staff they were being “liquidated”, and they worked up to 29 October 2022. She received and was paid a week’s notice. She has not heard from the director since and has not been sent a P45.
2. The employment sent the claim to the respondent with a letter asking for a response on form ET3 by 6 March 2023. The respondent was also sent notice of hearing for 21 March 2023.
3. The respondent did not respond to the claim by 6 March or at all. The claimant was asked to send more information about her contract and wages, and she did, on 20 March. The hearing date was vacated.
4. I have reviewed the file and checked the respondent company’s entry at Companies House. I am satisfied that proceedings were served on the respondent at its registered office, 50 Exmouth Market, London EC1 4QE, and that the company is not in administration, receivership or liquidation.

5. There being no response, the claimant is entitled to judgment under rule 21 of the Employment Tribunal Rules of Procedure 2013.
6. I have seen the claimant's contract of employment. She started work as assistant general manager on 15 March 2019. Her pay increased from 1 August 2022 to £15 per hour, working 45 hours a week. She was paid fortnightly and I have seen her payslips for 10 weeks up to termination of employment on 29 October 2022. The final payslip refers to 133 hours and thus includes a week's pay in lieu of notice. Averaging the total over 11 weeks gives gross weekly pay of £794.20.
7. By reference to the Employment Rights Act 1996 the claimant had been employed more than 3 years and is entitled to 3 weeks' notice of dismissal. Having received only one week, the award for unpaid notice is 2 weeks pay, so £1,588.40. This is amount is liable to income tax.
8. The catering business has closed. The respondent's need for employees has ceased or diminished and that is the reason for termination. The claimant is entitled to a redundancy payment, pursuant to section 139. calculated by reference age at dismissal and her length of service, as set out in section 162, and subject to a statutory cap on a week's pay. At the date of dismissal she was aged 26. The statutory cap from April 2022 was £571 per week. The redundancy payment is three weeks' pay, so £1,713.
9. The claim form includes holiday pay, but the claimant has not provided information on holiday taken in 2022, so it is not possible to assess whether anything of her pro rata entitlement was outstanding on termination.

Employment Judge Goodman
Dated: 29 March 2023

JUDGMENT AND REASONS SENT to the PARTIES ON

29/03/2023

FOR THE TRIBUNAL OFFICE