



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:**

**LONDON SOUTH**

**BEFORE:**

**EMPLOYMENT JUDGE K ANDREWS  
sitting alone**

**BETWEEN:**

**Mr F Onyeachu deceased  
by his widow Mrs F Onyeachu**

**Claimant**

and

**Lodge Security Limited**

**Respondent**

**ON:**

**13 April 2023**

**Appearances:**

**For the Claimant:**

**Mrs F Onyeachu**

**For the Respondent:**

**Did not attend**

## **JUDGMENT**

The response is struck out.

The claimant was unfairly dismissed.

The respondent shall pay compensation of **£16,821** forthwith to the claimant's representative, Mrs Onyeachu, calculated as follows:

Basic award (1.5 x 8 x £508)	£ 6,096
Compensatory award (19.5 x £550)	<u>£10,725</u>
Total	£16,821

The recoupment regulations do not apply to this award.

## REASONS

1. In this matter the claimant complained of unfair dismissal. Very sadly he died in May 2021. There have been delays in bringing this to final hearing due to a combination not only of the claimant's death but also some miscommunication that led to a first Judgment following a hearing where neither party appeared where the claim was dismissed and then both a reconsideration application and appeal against that Judgment.
2. The reconsideration application was eventually heard by Judge Ferguson in November 2022. Mrs Onyeachu attended that hearing but the respondent did not despite their representative on the record having been notified of it. They had also of course not attended the first hearing.
3. Judge Ferguson ordered the respondent to write to the tribunal and the claimant explaining its non-attendance at the reconsideration hearing and provided that if it did not do so, the response may be struck out on the basis that it is not being actively pursued and/or the respondent has failed to comply with an order of the tribunal. She further recorded that if the response was struck out the tribunal may issue a judgement upholding the claim and awarding the sums claimed. That order was sent by email to the respondent's representative on record. No such reply has been received from the respondent. They have not attended today's hearing and there has been no recent correspondence from them regarding their non-attendance. Mrs Onyeachu also confirmed to me that she has not received any contact from the respondent.
4. I am satisfied that the respondent has been put on proper notice of today's hearing via their representative and accordingly it is appropriate to strike out the response for the reasons previously stated by Judge Ferguson.
5. Having considered the claim form completed by the claimant and Mrs Onyeachu's brief submissions I find that he was unfairly dismissed and it is appropriate to award compensation as set out above. The basic award is calculated in accordance with the usual statutory formula (the claimant was aged above 41 during his eight years of service with the respondent) and the compensatory award is calculated on the basis of his lost net pay for the period between his dismissal and his admission into hospital on 28 December 2019.

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Employment Judge K Andrews  
Date: 13 April 2023