



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103908/2022 & 4104543/2022

Held in Edinburgh by Cloud Video Platform on 15 & 16 May 2023

Employment Judge M Sangster

Ms L McLaren

**Claimant
Represented by
Mr D Hay
Advocate**

**Hendrie Legal Limited, t/a
Ralph Hendrie Legal**

**Respondent
Not present or represented**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal (oral reasons having been given at the hearing, in accordance with rule 62(2) of the Employment Tribunals Rules of Procedure 2013) is that:

- The respondent's counter claim (case number 4104543/2022) is dismissed, under Rule 47 of the Employment Tribunals Rules of Procedure, as the respondent failed to attend or be represented at the hearing.
- The claimant's application for strike out of the response, under Rule 37(1)(d) of the Employment Tribunals Rules of Procedure, is refused, no notice having been given to the respondent in accordance with Rule 37(2).
- The claimant's complaints of constructive and wrongful dismissal succeed. The respondent is ordered to pay the claimant the sum of **£9,573.37** by way

of compensation for unfair dismissal. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.

- The respondent failed to make a payment to the claimant, on the termination of her employment, in respect of her accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £809.19 in respect of this.

Employment Judge: M Sangster
Date of Judgment: 16 May 2023
Entered in register: 19 May 2023
and copied to parties