



EMPLOYMENT TRIBUNALS

Claimant: Mr M Rusak

Respondent Visionary Food Group Limited

HELD AT: Newcastle

ON: 16 August 2023

BEFORE: Employment Judge Aspden
Mr JA Weatherston
Mrs D Winter

REPRESENTATION:

Claimant: Ms Hapurker
Respondent No attendance

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The claimant is entitled to a statutory redundancy payment.
2. The claimant's complaint of unfair dismissal is well founded.
3. The claimant's complaint that the respondent breached his contract of employment by terminating it without notice is well founded.
4. The claimant's complaint that the respondent failed to pay to him holiday pay due under regulation 14 of the Working Time Regulations 1998 is well founded.
5. The respondent must pay to the claimant the following amounts:
 - a. £855.00 as a statutory redundancy payment.
 - b. £5,550.60 as compensation for unfair dismissal (which is made up of a compensatory award only).

- c. £570.00 as damages for breach of contract (subject to any deductions the respondent is required by law to make and pay to HMRC in respect of income tax or national insurance referable to this sum).
 - d. £171.00, being the amount due to the claimant under regulation 14 of the Working Time Regulations 1998 in respect of holiday (subject to any deductions the respondent is required by law to make and pay to HMRC in respect of income tax or national insurance referable to this sum).
6. The complaints made under the Equality Act 2010 are dismissed on withdrawal.
7. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the award of compensation for unfair dismissal as follows:
- a. Grand total of the award for unfair dismissal: £5,550.60
 - b. Prescribed element: £5,550.60
 - c. Prescribed period: 1 July 2022 to 20 December 2022.
 - d. Balance of total award less prescribed element: £0.

Employment Judge Aspden

Date 16 August 2023

Note

Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.