



EMPLOYMENT TRIBUNALS

Claimant: Mr M Everest

Respondent: Folium Consulting LLP Limited

Heard at: London South **On:** 18 March 2019

Before: Employment Judge Fowell

Representation:

Claimant: In person

Respondent: No appearance

JUDGMENT

1. The claimant's claims are upheld in respect of
 - a. unlawful deduction from wages in relation to the period from 30 September 2018 to his dismissal on 3 November 2018, outstanding holiday pay, and four months' pension contributions;
 - b. breach of contract in relation to his notice pay; and
 - c. a statutory redundancy payment.
2. The total compensation awarded is £6,409.16

REASONS

Introduction

1. These claims arise on the employer ceasing to trade and dismissing its staff on grounds of redundancy. At the date of the hearing, according to the information filed at Companies House, the respondent was not in administration or in liquidation. An application has been made to strike the respondent off the register, to which objection has been raised, and so the application has been stayed.

2. No one from the respondent attended this hearing but in the above circumstances that was not unexpected and the hearing proceeded in their absence. I heard evidence from Mr Everest, supported by the documentation he provided, which included his dismissal letter, pay slips and confirmation from the pensions administrator (NEST) that four months' pension contributions had not been received. Having considered this evidence and submissions I make the following findings.
3. The claimant, Mr Everest, was employed the respondent, Folium Consulting LLP from 1 September 2016 until he was dismissed with immediate effect on grounds of redundancy by letter dated 2 November 2018. Prior to that he had been told by a director on 28 September 2018 that the company had ceased trading and that he should remain at home on gardening leave for the time being and that he would be paid in the meantime.
4. His salary was £34,200 per year gross, and his contract provided for four weeks' notice. By the time of his dismissal he had accrued two years' service. The relevant pay figures, as taken from his wage slips, are as follows:
 - a. Annual Salary £34,200.00 gross, £25,962.12 net
 - b. Monthly salary £2,850.00 gross, £2,163.51 net
 - c. Weekly pay £657.69 gross, £499.27 net
 - d. Daily pay £99.85 net
5. Given the above figures, having served for over two years at over the age of 41, Mr Everest is entitled to a statutory redundancy payment based on 3 weeks gross pay:

£1,524.00
6. His four weeks' notice pay, using the above net figure amount to:

£1,997.08
7. The monthly employer's pension contribution was £56.33 and so the loss of four months contribution amounts to:

£225.32
8. His entitlement to three days' holiday amounts to:

£299.55
9. The unpaid wages from the end of September to 2 November 2018 comprise the monthly total for October (£2,163.51) and two extra days' pay (at £99.85 per day):

£2,363.21
10. The total is therefore:

£6,409.16

Employment Judge Fowell
Date 18th March 2019