



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Ions

Respondent: Short Richardson and Forth Limited In Voluntary Liquidation

JUDGMENT ON RECONSIDERATION

On reconsideration, paragraphs 5 and 6 of the Judgment dated 4 July 2023 are varied in accordance with Rules 70 to 72 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 in the following terms:

5. The claimant's claim for accrued and outstanding holiday pay is well-founded pursuant to Regulations 14 and 16 of the Working Time Regulations 1998. The respondent shall pay to the claimant £1639.82 gross. The claimant is responsible for paying any tax or national insurance.
6. The claimant's claim for breach of contract in relation to notice pay is well-founded. The respondent shall pay to the claimant £2431.05 as damages for breach of contract. The figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post-Employment Notice Pay.

Paragraphs 1 to 4 of the Judgment dated 4 July 2023 are confirmed.

7. No award is made in respect of pension contributions.

REASONS

1. On 18 July 2023 the claimant submitted an application to the Tribunal requesting the Judgment dated 4 July 2023 to be reconsidered on the grounds that an error had occurred when the claimant attempted to email an updated version of her evidence on 1 June 2023 resulting in the up-to-date evidence is not being available to the Employment Judge at the time the original decision was made. The claimant did not request an oral hearing.
2. The Secretary of State, who is an interested party in these proceedings, wrote to the Tribunal on 31 July 2023 indicating their acquiescence to the Tribunal reconsidering the Judgment dated 4 July 2023 and for the reconsideration to be conducted on the papers, without a hearing.

3. Upon considering the representations made by the claimant, I accept that the claimant did try to submit an up-to-date witness statement and evidence on 1 June 2023, without success, and that the previous decision was made in error. In all the circumstances, it is in the interests of justice to vary the decision made in respect of the claim for accrued and outstanding holiday pay and notice pay. Taking into account the payments already received from the Redundancy Payment Services, I accept that the claimant's claim for accrued and outstanding holiday pay in the sum of £1639.82 gross is well-founded and that the claim of breach of contract relating to notice pay in the sum of £2431.05 gross is well-founded and paragraphs 5 and 6 of the Judgment dated 4 July 2023 are varied accordingly.
4. Paragraphs 1 to 4 of the Judgment dated 4 July 2023 are confirmed.
5. The claimant's claim for outstanding pension contributions is being dealt with by Clumber Consultancy and, therefore, no award is made by this Tribunal.
6. As neither party requested an oral hearing, the above Judgment has been entered without a hearing on the basis of information provided by the claimant in accordance with Rules 70 to 72 of the Employment Tribunal Rules of Procedure 2013.

Employment Judge Arullendran

Date: 16 October 2023