



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Hurst

**Respondent:** J and B Nelson Construction LLP

## JUDGMENT

1. The claim for a statutory redundancy payment is well founded and succeeds. The Respondent is ordered to pay the Claimant a redundancy payment in the sum of **£5,720**.
2. The claims for holiday pay and notice pay are dismissed upon withdrawal.

## REASONS

3. The Claimant presented an ET1 on **08 December 2023**, claiming a statutory redundancy payment, notice pay and outstanding holiday pay. Proceedings were on the Respondent's registered office, with a response date of **15 January 2024**. No response was returned.
4. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.
5. On **17 January 2024**, the Tribunal wrote to the Claimant regarding his claims for notice pay and holiday pay. The Claimant did not commence early conciliation until after the period of three months from the relevant date, therefore, did not benefit from any automatic extension. His employment ended on **06 June 2023** and he commenced early conciliation on **28 November 2023**. It was explained that Employment tribunals do not have jurisdiction (or power) to adjudicate on claims that have been presented 'out of time' unless an extension of time is granted by the Tribunal..
6. The Claimant wrote to the Tribunal, on **18 January 2024** withdrawing the claims for notice and holiday pay and providing essential information relating to his claim for a redundancy payment. He was employed by the Respondent from **01 March 2012** to **06 June 2023** when he was dismissed by reason of redundancy. At the date of termination of his employment he was 38 years old. His weekly gross pay was **£520**.

7. I was satisfied that I had sufficient information to issue a judgment under rule 21 of the ET Rules. The amount of redundancy pay is **£520 x 11 = £5,720.**

Employment Judge **Sweeney**

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Date: 24 January 2024