



EMPLOYMENT TRIBUNALS

Claimant: Mr Michael Goddard

Respondent: MB Evans Limited

UPON APPLICATION made to reconsider the judgment dated **31st January 2023** under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing.

And upon the tribunal considering that the claim for a redundancy payment is well-founded. The Judgment of 31st January 2023 shall be substituted for the following:

JUDGMENT

1. The claimant's claim for a protective payment under s. 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 is dismissed on having been withdrawn.
2. The claimant's complaint that there was an unauthorised deduction from his wages (holiday pay) is not well-founded. This means the claimant was not subject to unlawful deductions contrary to section 13 of the Employment Rights Act 1996.
3. The claimant's complaint that he was not provided with true written reasons for the dismissal contrary to s. 92 of the Employment Rights Act 1996 is not well-founded.
4. The respondent was in breach of contract for dismissing the claimant without notice.
5. The claimant's claim for unfair dismissal is well-founded. This means the respondent unfairly dismissed the claimant contrary to section 94 of the Employment Rights Act 1996.
6. The claimant's claim for a redundancy payment is well-founded.

7. The period of loss over which the Claimant can claim a compensatory award is reduced by 100% under the principles of *Polkey v A E Dayton Services*.
8. The respondent shall pay the claimant the following sums:
- a £16,800 basic award for unfair dismissal.
 - b £5,136 notice pay in respect of his breach of contract claim. This sum is net of tax and national insurance.

These sums are calculated as follows;

1. Details

Date of birth of claimant	31/07/1960
Date started employment	1997
Effective Date of Termination (EDT)	25/03/2022
Period of continuous service (years)	25
Age at EDT	61
Net weekly pay at EDT	428
Gross weekly pay at EDT	560
Gross annual pay at EDT	29120

2. Redundancy Payment

Basic award	16,800
Number of qualifying weeks (30) x Gross weekly pay (560)	

Total Redundancy Payment	£16,800
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3. Basic Award

Basic award	16,800
Less the redundancy Payment	16,800

Total basic award	£0
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4. Notice pay

12 weeks at £428 (net weekly pay)	5,136
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Total compensation (other statutory rights)	£5,136
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Recoupment

Prescribed period:	25/03/22 to 31/01/23
Total award	£21,936
Prescribed element	£0
Balance	£21,936

Employment Judge Grubb

Date 9th February 2024

JUDGMENT SENT TO THE PARTIES ON 6 March 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.