



EMPLOYMENT TRIBUNALS

Claimant: Mr S Cattle

Respondent: A1 Stockton Limited “In Voluntary Liquidation”

JUDGMENT ON LIABILITY AND REMEDY

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Judgment of the Employment Tribunal is as follows:

1. The claimant is not entitled to a redundancy payment as he did not have two years continuous service at the relevant date as required by section 155 Employment Rights Act 1996.
2. The complaint of unauthorised deduction of wages is well-founded. The respondent made an unauthorised deduction from the claimant’s wages in the period 15 March 2023 to 1 May 2023.
3. The respondent shall pay the claimant **£2884.62**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or national insurance.
4. The complaint of breach of contract in relation to notice pay is well-founded. The respondent shall pay the claimant **£480.77** as damages for breach of contract. This 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.
5. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with Regulations 14(2) and 16(1) of the Working Time Regulations 1998.
6. The respondent shall pay the claimant **£480.77**. The claimant is responsible for paying any tax or national insurance.
7. Total award = £3846.16

REASONS

1. The claimant submitted his ET1 form to the Employment Tribunal on 2 June 2023. A copy of the claim form was forwarded to the respondent at their registered office address by the Tribunal on 5 July 2023 and the respondent had until 2 August 2023 to file a response.

2. The respondent went into creditors voluntary liquidation on 30 October 2023. Neither the respondent nor the liquidator responded to the claimant's claim.
3. The claimant completed a questionnaire on 21 December 2023 providing further information about his claims in accordance with the Case Management orders made by the Tribunal on 24 October 2023 setting out the amounts claimed for wages, notice pay and holiday pay.
4. As no response has been received by the Tribunal from the respondent, the above Judgment has been entered without a hearing on the basis of the information provided by the claimant and in accordance with Rule 21 of the Employment Tribunal Rules of Procedure 2013.

Employment Judge Arullendran

Date: 6 March 2024

Note: This has been a remote hearing which has not objected to by the parties. The form of remote hearing was on the papers. A face to face hearing was not held because it was not practicable, no-one requested the same and all the issues could be determined in a remote hearing.

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