



EMPLOYMENT TRIBUNALS

Claimants: Mr G Macfarlane
Mr S Lynch

Respondent: J Melton Limited

Heard at: Midlands East (by CVP) **On:** 10 April 2024

Before: Employment Judge Brewer

Representation

Claimant: Ms L Nee, Solicitor
Respondent: Mr C Peel, Consultant

JUDGMENT

The judgment of the Tribunal is as follows:

1. The responses filed in both cases are struck out pursuant to Rule 37(1) (b) and (c) of the Employment Tribunal (Constitution & Rules of Procedure) Regulations 2013.
2. Permission for the respondent to participate in the hearing was refused.
3. The following claims brought by Mr Macfarlane succeed:
 - a. unfair dismissal,
 - b. unauthorised deductions from wages,
 - c. wrongful dismissal (notice pay),
 - d. statutory redundancy pay.
4. The following claims brought by Mr Lynch succeed:
 - a. unfair dismissal,
 - b. unauthorised deductions from wages,
 - c. wrongful dismissal (notice pay),
 - d. statutory redundancy pay.

5. The respondent shall pay to Mr Macfarlane the following awards:
- a. £2,564.28 as compensation for lost earnings following his unfair dismissal,
 - b. a statutory redundancy payment in the sum of £7,020.00 (9 x 520.00 x 1.5),
 - c. compensation for failure to pay notice pay in the sum of £3,846.42,
 - d. compensation for failure to pay accrued untaken holiday pay in the sum of £1,282.14, and
 - e. £824.87 in respect of unpaid wages outstanding at the date of termination of his employment.

6. The respondent shall pay to Mr Lynch the following awards:
- a. £6,044.74 as compensation for lost earnings following his unfair dismissal,
 - b. a statutory redundancy payment in the sum of £17,100.00 (26 x 570.00 x 1.5),
 - c. compensation for failure to pay notice pay in the sum of £5,579.76,
 - d. compensation for failure to pay accrued untaken holiday pay in the sum of £929.96, and
 - e. £5,655.00 in respect of unpaid wages outstanding at the date of termination of his employment.

Employment Judge Brewer

Date: 10 April 2024

JUDGMENT SENT TO THE PARTIES ON

....13 April 2024.....

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>