



Case number:2502770/2023,2502771/2023 & 2502773/2023

EMPLOYMENT TRIBUNALS

Claimants: (1) Jamie Thompson; (2) Mark James & (3) Matthew Hewitt

First Respondent: Composite Fibreglass Mouldings Ltd (in voluntary liquidation)

Heard at: Newcastle (via CVP)

On: Tuesday 11 June 2024

Before: Employment Judge Legard (Sitting Alone)

Representation

First and second Claimants: In person

Third Claimant: Did not attend

Respondent: Did not attend

JUDGMENT ON LIABILITY & REMEDY

1. The First and Second Claimants' claims for a redundancy payment are well founded and succeed.
2. The First and second Claimants' claims for notice pay are well founded and succeed.
3. The First and second Claimants' claims for holiday pay are well founded and succeed.
4. The First Claimant is awarded the sum of £6,313.60 made up as follows:

Redundancy payment

£3,760

Holiday pay	£282
Notice pay	£2,271.60
Total :	£6,313.60

5. The Second Claimant is awarded the sum of £4,616.40 made up as follows:

Redundancy payment	£2,820
Holiday pay	£282
Notice pay	£1,514.40
Total :	£4,616.40

REASONS

1. By a claim form dated 28th December 2023, the claimants (which included Matthew Hewitt) all bring claims for redundancy payment; unpaid holiday and notice pay. The Respondent did not attend and was unrepresented.
2. The First and second Claimants gave evidence by way of affirmation and gave clear and truthful answers to each of my questions. Both had been employed as fibreglass laminators until their dismissals which took effect on 20th December 2023. On that day, the owner of the business informed them that they were dismissed as redundant with immediate effect. They had no forewarning of this. Neither of them received any redundancy payment or notice pay. Both were owed 3 days in respect of untaken holiday at the date of dismissal. Both worked a 40 hour week and their gross weekly wage was £470 (net £378.60). Both have subsequently secured alternative employment.
3. The First Claimant (Mr Thompson) commenced employment on 14th June 2017 and was 45 years of age when dismissed. The Second Claimant (Mr James) commenced employment with the Respondent on 1st February 2018 and was 47 years old at the date of his dismissal.

4. Having determined that their respective claims were well founded, I proceeded to calculate their redundancy payments in accordance with the statutory formula. In the absence of their contracts of employment, their notice periods and pay were calculated by reference to s.86 ERA. Holiday pay was calculated in accordance with regulation 14 WTR.
5. Although the Third Claimant (Mr Hewitt) had asked for his claim to be adjudicated upon today in his absence (and for Mr Thompson to speak on his behalf) I felt unable so to do. I needed sworn direct testimony from him in order to ascertain his entitlement to a redundancy payment and to confirm both his date of birth and dates of employment. If Mr Hewitt wishes his claim to be determined then he should notify the Tribunal by return. A failure to do so may result in his claim being struck out on the basis that it has not been actively pursued in accordance with rule 37(1)(d).
6. I indicated to both Claimants that, in light of their former employer's insolvency, they may need to consider applying to the Secretary of State under ss.166/182 ERA for these awards to be met out of the Redundancy Payments Office.

Employment Judge Legard

Date 11th June 2024