



EMPLOYMENT TRIBUNALS

Claimant: Mr Giles Smith
Respondent: BPMS08 Limited
(Formerly known as Horne Bros Carpets Limited)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued in the Midlands East Region of the Employment Tribunals on 19 March 2024. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.
2. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant **£2,324.76** net. (6 weeks x £387.46 net pay)
3. The claimant was dismissed in breach of contract in respect of notice. The respondent must pay damages to the claimant of **£4,649.52**. (£387.46 net pay x 12 weeks)
4. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£8,970**.
5. The respondent unfairly dismissed the claimant. No basic award is ordered as this is discharged by the redundancy payment. The respondent shall further pay the claimant compensation for loss of wages in the sum of **£1,937.30** (17 weeks x £387.46 - £4649.52 notice pay). The recoupment provisions apply: -
 - a. The monetary award is **£1,937.30**
 - b. The amount of the prescribed element is **£1,937.30**
 - c. The dates of the period to which the prescribed element is attributable is **19 February 2024 to 15 July 2024**
 - d. The amount by which a exceeds b is **£0**
6. The respondent has failed to pay the claimant his accrued annual leave outstanding at the date of termination and shall pay the claimant compensation in the sum of **£387.46** (40 hours net pay)
7. The hearing listed on **1 August 2024** is cancelled.

Employment Judge Clark

Date: 12 July 2024.