



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss J Donald

**Respondent:** Bryncae Legal Ltd

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made on the claim in accordance with Rule 21 of the Rules of Procedure.
2. The respondent has made unauthorised deductions from the claimant's wages and is ordered to pay the claimant the gross sum of **£9,441.82**, calculated as follows:
  - a. unpaid wages August 2023 to February 2024: 7 months @ £2,083.29 gross per month = £14,583.03.
  - b. LESS payments received totalling £5,141.21 (£1,250.00 in August 2024; £250.00 in November 2024; £3,641.21 in December 2024).
  - c. £14,583.03 - £5,141.21 = £9,441.82

(The claimant's claim for her employee's pension contributions is not accepted, as this would be double recovery, such sums being deducted by the respondent from the gross sums payable to the claimant, which the Tribunal is awarding)

3. The claimant was dismissed in breach of contract in respect of one month's contractual notice and the respondent is ordered to pay damages to the claimant in the gross sum of **£706.74** calculated as follows:

£2,083.29 (one month's gross pay) minus £1,376.55 received during the notice period (£1,015.05 in earnings + £361.50 in universal credit).

This 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.

4. The respondent has failed to pay the claimant's accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of **£384.60** (4 days x gross daily rate of £96.15).
5. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£2,884.56** (1 week's pay for every complete year of service when the claimant was aged between 22 and 41 years: 1 x 6 x £480.76 = £2,884.56).
6. Consequently, the respondent must pay the claimant the total gross sum of **£13,417.72**.
7. The claimant will be responsible for paying tax liabilities arising out of the gross awards which should be paid as gross sums with no tax deducted at source.
8. The hearing on 2 August 2024 is cancelled.

Employment Judge Holmes

Date: 10 July 2024

JUDGMENT SENT TO THE PARTIES ON

12 July 2024

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401479/2024**

Name of case: **Miss J Donald** v **Bryncae Legal Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 12 July 2024

**the calculation day** in this case is: 13 July 2024

**the stipulated rate of interest** is: **8% per annum.**

For the Employment Tribunal Office