



EMPLOYMENT TRIBUNALS

Claimant: Michael Meads

Respondent: Moki Agency Limited

Heard at: Exeter (by CVP) **On:** 16, 17 and 18 September 2024

Before: Employment Judge Halliday
Ms Barratt
Ms Mitchell

Representation:

Claimant In person

Respondent: Mr Robson, solicitor

JUDGMENT

The judgment of the Tribunal is as follows:

Unfair Dismissal

1. The complaints of automatic unfair dismissal under section 100 Employment Rights Act 1996 and unfair dismissal under section 94 Employment Rights Act 1996 are not well-founded. The claimant was not unfairly dismissed.

Notice Pay

2. The complaint of breach of contract in relation to notice pay is well-founded.
3. The respondent shall pay the claimant **£1125** as damages for breach of contract. This figure has been calculated using gross pay to reflect the possibility that the claimant will have to pay tax on it as Post Employment Notice Pay.

Holiday Pay

4. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998.

5. The respondent shall pay the claimant **£1440**. The claimant is responsible for paying any tax or National Insurance.

Failure to provide a written statement of employment particulars

6. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£1500**.

Employment Judge Halliday

Date 18 September 2024

JUDGEMENT & REASONS SENT TO PARTIES ON

10 October 2024

Jade Lobb
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/>