



EMPLOYMENT TRIBUNALS

Claimant: Carole Ashworth

Respondent: Homan Tyre Company Limited

Heard at: By CVP **On:** 26 November 2024

Before: EJ Milner-Moore

Representation

Claimant: Mr Williams (Counsel)

Respondent: Did not attend

JUDGMENT

Failure to provide a written statement of employment particulars

1. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. 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 £974.48.

Written reasons for dismissal - section 92 and 93 ERA

2. The respondent unreasonably failed to provide written reasons for dismissal, such reasons having been requested by the Claimant, and/or such reasons as were provided by the Respondent were inadequate or untrue. The Claimant is awarded 2 weeks' gross pay £487.24 in accordance with section 93 of the Employment Rights Act 1996.

Holiday Pay

3. 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.

4. The respondent shall pay the claimant the gross sum of £340.83 in respect of the annual leave to which the Claimant had accrued entitlement at the time of her dismissal.

Unfair Dismissal

5. The claimant was found to have been unfairly dismissed by reason of redundancy in a judgment issued on 9 July 2024, under which the claimant was awarded a redundancy payment of £791.25. The Claimant accordingly has no entitlement to a basic award.
6. It is likely that the claimant would have been fairly dismissed in any event within 8 weeks of the date of her dismissal on 1 April 2023.
7. The respondent shall pay the claimant the following sums:
 - (a) A basic award of £0.
 - (b) A compensatory award of £1,866.32 being 8 weeks' net pay.
8. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply because the Claimant's dismissal was by reason of redundancy.

Employment Judge MILNER-MOORE

Date 26 November 2024

JUDGMENT SENT TO THE PARTIES ON

02/01/2025

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/](#)