



EMPLOYMENT TRIBUNALS

Claimant: Mrs H Dudley

Respondent: Deneka-Jo Molinari

HELD by CVP at Leeds

ON: 14 January 2025

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: In person

Respondent: Did not appear, was not represented and did not file a response

JUDGMENT

1. The proper name of the respondent is Deneka-Jo Molinari.
2. The claimant's claim for redundancy pay is well-founded and the respondent is ordered to pay the claimant £2,625.84 by way of a redundancy payment.
3. The claimant's claim for notice pay is well-founded and the respondent is ordered to pay the claimant the sum of £1,458.80.
4. The grand total the respondent is ordered to pay the claimant is £4,084.64.

REASONS

1. Claims

- 1.1. Redundancy payment.
- 1.2. Notice pay.

2. Issues

The issues in this case related to:

- 2.1. Redundancy payment. Whether or not the claimant was made redundant by the respondent.
- 2.2. Notice pay. Whether or not the claimant received all the notice pay to which she was entitled.

3. Facts

The Tribunal having carefully reviewed all the evidence (both oral and documentary) before it finds the following facts (proved on the balance of probabilities):

- 3.1. The claimant named the respondent in the early conciliation certificate as Daneka jo Malanari. In her claim form she named the respondent as Daneka molinari. At the hearing the claimant produced what purported to be a bank statement showing a credit from Daneka-Jo Molinari which she told the Tribunal was a payment in respect of wages by the respondent. The claimant was clear that Daneka-Jo Molinari ran the public house where the claimant had worked and that indeed her name that is Daneka-Jo Molinari was above the door. The claimant had no knowledge that anyone else was her employer and this included any limited company.
- 3.2. In respect of the claimant's claim for a redundancy payment the claimant was made redundant on 23 March 2024. At the time her weekly wage was £145.88 gross. She had been working in the public house since 23 November 2011 and she was 61 years of age at the time of the redundancy.
- 3.3. The claimant was entitled to 12 weeks' notice but was paid only two. Therefore 10 weeks was outstanding at the same wage set out in paragraph 3.2.

4. Determination of the Issues

(After listening to the factual submissions made by the claimant):

- 4.1. Having regard to the contents of paragraph 3.1 above I am satisfied that the correct name of the respondent is Daneka-Jo Molinari.
- 4.2. I am satisfied that the claimant was made redundant and that she is entitled to a redundancy payment which she has not received. This is made up as follows – weekly wage - £145.88 multiplied by 12 inadmissible years of service for the purpose of the redundancy calculation multiplied by 1 and a half which is the multiplier in respect of the claimant's age at

termination being 61. Therefore the redundancy payment to which the claimant is entitled is £2,625.84.

- 4.3. The claimant was paid two weeks' notice and should have received 12 weeks' notice and therefore 10 weeks is outstanding at the rate of £145.88 gross so that the outstanding notice pay is £1,458.80.
- 4.4. The grand total payable by the respondent to the claimant in respect of redundancy pay and short pay notice is £4,084.64.

Approved by Employment Judge Shulman

Date: 30 January 2025

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>