



# EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Mr. John Cooper and

Respondent: MKDJLW1 Limited

ISSUED AT: London Central

## DEFAULT JUDGMENT

Employment Tribunal Rules of procedure 2024 – Rule 22

1. The Respondent has failed to present an ET3 response. There is no application to extend time to respond and the Respondent is therefore not included in the proceedings except for receiving decisions, judgments and notices of hearings.
2. The Claimant has provided sufficient information to issue judgment in accordance with Rule 22 (2) of the Employment Tribunal rules 2024.
3. All of the Claimants claims were presented in time and fulfilled all other jurisdictional requirements. The Claimant had 8 years continuous service with the Respondent following a TUPE transfer that took place in March 2024.
4. The Claimant resigned with immediate effect on 16 September 2024. That resignation amounted to a constructive dismissal in accordance with s136 (1) (c) Employment Rights Act 1996 by reason of redundancy.
5. Consequently, the Respondent is ordered as follows:
  - a. To pay the Claimant **£6,725.36** gross for unlawful deduction of wages under s13 Employment Rights Act 1996.
  - b. To pay to the Claimant Notice pay of 3 month's wages in the amount of **£8,374.98** gross for breach of contract at common law.
  - c. To pay to the Claimant **£1,866.64** gross for 8 months' pension payments not paid into the pension scheme in breach of contract.
  - d. To pay to the Claimant a redundancy payment of **£5,144.00** (8 years service at the weekly rate of the statutory cap of £643 and a multiplier of 1).

- e. To pay the Claimant a payment of 4 weeks' pay in the amount of **£2,576.92** for a failure to provide a section 1 statement of terms and conditions of employment in breach of section 38 Employment Act 2002.
  - f. To pay to the Claimant **£1,288.46** gross for 10 days' accrued but untaken and unpaid annual leave following a breach of Regulation 14 of the Working Time Regulations 1998.
  - g. To pay the Claimant a guarantee payment of **£190** for a period of three months where no work was provided on normal working days in accordance with s28 Employment Rights Act 1996.
  - h. To pay to the Claimant **£6,802.01** for a failure to provide pay statements in accordance with s8 Employment Rights Act 1996 as an aggregate of unnotified deductions of wages, guarantee payment and annual leave for the 13 week period prior to the termination of employment on 16 September 2024.
  - i. The total amount payable to the Claimant by the respondent is therefore **£32,968.37**
6. Where any of the amounts of compensation above are subject to deduction of income tax etc. the Claimant is requested to account to HMRC for any tax due on any payments made to him by the respondent in accordance with this Judgment.

Judgment approved by:  
**EMPLOYMENT JUDGE G SMART**

On:  
**26 February 2025**

Judgment sent to the parties on  
5 March 2025

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For the Tribunal Office  
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