



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8002074/2025

Employment Judge O'Donnell

Mr J Wallis

Claimant

Selman Marine Design Ltd

Respondent

JUDGMENT

Rule 22 of the Employment Tribunal Procedure Rules 2024

The judgment of the Employment Tribunal is that:

1. The claimant was unfairly dismissed and the respondent is ordered to pay the claimant the sum of **£16896.50 (SIXTEEN THOUSAND, EIGHT HUNDRED AND NINETY SIX POUNDS, FIFTY PENCE)** in compensation.
2. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of **£5563.76 (FIVE THOUSAND, FIVE HUNDRED AND SIXTY THREE POUNDS, SEVENTY SIX PENCE)**.

REASONS

1. A copy of the claim form setting out the claimant's complaints was sent to the respondent on 26 August 2025.
2. In accordance with the terms of rule 17 of the Employment Tribunal Procedure Rules 2024, the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it but failed to do so.
3. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim. In particular, in the absence of any response from the respondent, there was nothing to dispute the claimant's assertions that he had

not been paid since February 2025 and had received no correspondence from the respondent since March 2025 causing him to resign on 1 August 2025.

4. A failure to pay an employee or offer them work is clearly a fundamental breach of contract; the provision of work and payment for it is the core of any contract of employment. The Tribunal is, therefore, satisfied that the claimant was dismissed as defined in s95(1)(c) of the Employment Rights Act 1996.
5. The absence of any defence from the respondent means that there is no basis on which the Tribunal could conclude that there was a potentially fair reason for dismissal. The burden of proving a fair reason lies on the respondent and so they have failed to discharge this burden. The Tribunal, therefore, finds that the claimant was unfairly dismissed as defined in s98 of the 1996 Act.
6. In respect of the claim for deduction of wages, there was nothing to dispute the sums sought by the claimant.
7. On the basis of the available material the Employment Judge decided he could properly determine remedy as follows.
8. In respect of unfair dismissal, the claimant only seeks a basic award and not any compensatory award. The claimant makes reference to “redundancy pay” but he was not made redundant. However, statutory redundancy pay and basic award in unfair dismissal is calculated using the same formula.
9. Based on his age and length of service, the claimant is entitled to 23.5 weeks’ pay capped at £719. This amounts to £16896.50.
10. The claimant was not paid for the months of June and July 2025. He is entitled to £2781.88 for each month. The respondent is, therefore, ordered to pay the sum of £5563.76 in respect of wages.

Date sent to parties

14 October 2025