

THE INDUSTRIAL TRIBUNALS

CASE REFS: 7707/19
10256/19

CLAIMANT: Shane O'Hagan
RESPONDENT: Manna Developments Ltd

DECISION

The decision of the tribunal is set out below.

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone): Employment Judge Greene

APPEARANCES:

The claimant was represented by Mr R McCourt, solicitor of McCourt & Maguire Solicitors & Advocates of Dungannon.

The respondent was neither represented nor in attendance.

1. The claimant lodged claims for unpaid wages, notice pay, unfair dismissal which he claimed was automatically unfair and a redundancy payment. During the Case Management Discussion process the claimant indicated that he was not pursuing his redundancy payment claim. At the hearing on today he indicated that a breach of contract claim for £20,000 was also not being pursued before the tribunal.
2. The respondent entered a defence to the claims in relation to breach of contract and redundancy pay but did not enter a response to the claims for unfair dismissal and notice pay and the tribunal was provided with an email from the respondent's solicitor, Ms S McKay of Faloon & Co Solicitors, Dungannon, that the respondent would consent to the issue of a default judgement.
3. The respondent's representative was not in attendance today and following some contact by the Office of the Tribunals confirmed that the respondent's solicitor would not be in attendance and the respondent would not be represented at today's hearing.
4. On the basis of the evidence before the tribunal it found that the claimant had been unfairly dismissed according to the ordinary principles of unfair dismissal and automatically unfairly dismissal by reason of the respondent's failure to follow the

statutory dismissal procedures. It also found that the respondent had not paid to the claimant wages from January to May 2019 and notice pay that he was due.

5. The tribunal awarded the claimant £21,305.63 for unfair dismissal (basic award of £525.00; compensatory award of £20,780.63 including £500 for loss of statutory rights and an uplift of 50%. It also ordered the respondent to pay to the claimant unpaid wages from January to May 2019, which it calculated at £13,250.00 and notice pay of £611.54.
6. Full oral decisions were given for the tribunal's decision.
7. The award is not subject to the recoupment regulations as the claimant did not claim benefit at any material time.
8. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 5 November 2019, Belfast.

Date decision recorded in register and issued to parties: