



# THE EMPLOYMENT TRIBUNALS

BETWEEN

*Claimant*

*Respondent*

Ms R Hutchinson

AND

James Humphreys

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: Teesside

On: 28 February 2017

Before: Employment Judge Johnson

### *Appearances*

For the Claimant: Mr A Perriman, Solicitor

For the Respondent: No attendance and no appearance

## JUDGMENT ON REMEDY

- 1 The respondent is ordered to pay to the claimant a redundancy payment in the sum of £3,150.
- 2 The respondent is ordered to pay to the claimant compensation for breach of contract (failure to pay notice pay) in the sum of £3,000. This is a net amount and the respondent shall be responsible for the payment of any income tax and national insurance contributions thereon.
- 3 The respondent is ordered to pay to the claimant the sum of £900 in respect of wages unlawfully deducted. This is a net amount and the respondent shall be responsible for the payment of any income tax and national insurance contributions thereon.
- 4 The respondent is ordered to pay to claimant the sum of £1,260 in respect of accrued holiday pay. This is a net amount and the respondent shall be

responsible for the payment of any income tax and national insurance contributions thereon.

- 5 The complaint of unfair dismissal is dismissed upon Withdrawal by the claimant.

## REASONS

- 1 The claimant was represented by Mr Perriman who called the claimant to give evidence under oath. The respondent did not attend. There is a note on the Employment Tribunal file stating that the respondent contacted the Employment Tribunal office by telephone on 3 February 2017, stating that "he would be sending in his bankruptcy notice within the next 5-7 days." To date no confirmation has been received from the respondent to confirm that he has been declared bankrupt.
- 2 The claimant confirmed that her employment with the respondent began on 1 June 2005. The claimant was employed as the general manager of the "Ship Inn" public house in Wolverston, Cleveland. The claimant's holiday year began on 1 January in each year. The claimant was paid at the rate of £350 per week gross. Her net take home pay each week was £300.
- 3 The respondent was the tenant of the Ship Inn. His tenancy was terminated on 14 September 2016 and on that date the claimant's employment was terminated. The Tribunal found that the reason for the claimant's dismissal was because her position was redundant. The claimant was dismissed without notice. The claimant was entitled to one week's notice for every complete year of service. The claimant had by then completed 10 years' service. The claimant was aged 29 at the date of dismissal.
- 4 The claimant had not been paid for her last three weeks' work. She is entitled to be paid £300 per week. The respondent is ordered to pay to the claimant £900 in respect of unauthorised deduction from wages. The claimant had also accrued 21 days holiday. The claimant confirmed that she had not taken any holidays during the 2016 holiday year. The claimant is entitled to accrued holiday pay in the sum of £1,260 being 21 days at £60 per day.
- 5 The claimant is entitled to a redundancy payment to reflect her 10 years' continuous service. She is entitled to two weeks at £175 per week and eight weeks at £350 per week which totals £3,150. The respondent is ordered to pay that sum to the claimant by way of a redundancy payment.
- 6 The claimant withdrew her complaint of unfair dismissal.

**Case Number: 2501332/2016**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON  
3 March 2017  
JUDGMENT SENT TO THE PARTIES ON  
9 March 2017  
AND ENTERED IN THE REGISTER  
G Palmer  
FOR THE TRIBUNAL**