



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4108908/2018**

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**Held in Glasgow on 7 September 2018**

**Employment Judge: Robert Gall**

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**Mr H Whitley**

**Claimant  
In Person**

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**Xel Manufacturing Services Ltd**

**Respondent  
Not Present and  
Not Represented**

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**JUDGMENT**

The Judgment of the Tribunal is that the following amounts are ordered to be paid by the respondents to the claimant:

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1) In terms of section 23 of the Employment Rights Act 1996, wages due to the claimant in respect of work carried out, those wages being unpaid to him at present – 48 hours at £12.80 per hour, a total of £614.40.

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2) Payment in respect of notice being ten weeks' pay at £512 per week namely £5120.

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3) Payment in respect of holiday leave accrued but untaken at date of termination of employment being payment for 29 days at £102.40 per day, a total of £2969.60.

4) Payment in respect of redundancy calculated having regard to the claimant's age at date of termination of his employment, (64), length of service with the respondents, (10 years) and weekly wage capped at the statutory maximum, £502. The sum awarded is £7620.

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### REASONS

1. This case called for a hearing on 7 September 2018. The claimant was present. He lodged productions and gave evidence. There was no appearance by the respondents who had returned form ET3 and had stated on that form that they did not defend the claim.  
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2. The claimant commenced work with the respondents on 21 April 2008. His employment ended on 7 May 2018. He did not receive notice of termination of his employment. The respondents simply ceased trading at that point. The claimant is due money in respect of wages. He has been unpaid for 48 hours of work at £12.80 per hour giving a total of £614.40 due to him. The respondents are ordered to pay that amount to him.  
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3. Having ten years' service, the claimant was entitled to ten weeks' notice of termination of his employment. He did not receive any notice as mentioned. Ten weeks' pay amounts to £5120 on the basis of a weekly payment of £512. The respondents are ordered to pay to him £5120.  
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4. At time of termination of his employment, the claimant had accrued 29 days of holiday leave which he had not taken at a rate of £102.40 per day, the sum due to him in that regard is £2969.60. The respondents are ordered to pay that amount to him.  
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5. Having 10 years' service with the respondents and having regard to his age, the claimant is due to be paid 15 weeks' pay by way of redundancy payment. His weekly wage is slightly above the statutory cap. The statutory cap therefore applies. 15 weeks' pay at £508 per week amounts to £7620. The respondents are ordered to pay that amount to him.

6. These amounts are awarded to the claimant and the respondents are ordered to make payment of them to him.

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15 Employment Judge: Mr Robert Gall  
Date of Judgment: 10 September 2018  
Entered in register: 13 September 2018  
and copied to parties

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