



EMPLOYMENT TRIBUNALS

Claimant: Michael Nesbit

Respondent: Pringle Building Services Ltd

JUDGMENT

Heard at: North Shields **On:** 02 January 2020

Before: Employment Judge Sweeney

Representation:

For the claimant: In person

For the respondent: No appearance

The Judgment of the Tribunal is as follows:

1. **The claim of wrongful dismissal (notice pay) is well founded and succeeds.** The Respondent is ordered to pay the Claimant damages for breach of contract of **£4,687.50** (being £1,250 a week gross x 3 = £3,750; uplifted by 25% under section 207A Trade Union and Labour Relations Act 1992 ['ACAS uplift']).
2. **The claim of unfair dismissal is well founded and succeeds.** The Respondent is ordered to pay the Claimant **£10,725**, consisting of:
 - 2.1 A Basic Award of £1,575
 - 2.2 A Compensatory Award of £9,150 (£7,320 uplifted by 25% by way of ACAS uplift)
3. **The claim under regulation 30 Working Time Regulations/section 23 Employment Rights Act 1996 in respect of outstanding holiday pay is well founded and succeeds.** The Respondent is ordered to pay the Claimant the gross sum of **£1,175.34** (being £156.71 x 3 = £940.27 uplifted by 24% ACAS uplift)
4. **The claim of unlawful deduction of wages in respect of pay due in respect of the first and final weeks of employment is well founded and succeeds.** The Respondent is ordered to pay the Claimant the sum of **£2,937.50** (being £1,100 in respect of the first week of employment lying on, £1,100 in respect of the week

ending 05 July 2019 and £150 car allowance for that week = £2,350 uplifted by 25% ACAS uplift).

5. The total amount of the above awards due to the Claimant is **£19,525.34**.
6. The Claimant has not claimed any benefits and the recoupment provisions do not apply.

Employment Judge Sweeney

Signed: 2 January 2020