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EMPLOYMENT TRIBUNALS

Claimant: Mrs S Kunica

Respondent: David Hetherington Messenger T/A Elder Homes Group

Heard at: East London Hearing Centre **On:** 24 March 2017

Before: Employment Judge Brown (sitting alone)

Representation

Claimant: In Person

Respondent: Did not attend and was not represented

JUDGMENT

The judgment of the Employment Tribunal is that:-

1. The Respondent wrongfully dismissed the Claimant when he failed to pay her notice pay.
2. The Respondent shall pay the Claimant £4,326.90 notice pay.
3. The Respondent failed to pay the Claimant a redundancy payment, to which the Claimant was entitled, when she was dismissed on the grounds of redundancy.
4. The Respondent shall pay the Claimant £4,326.90 redundancy payment.
5. The Claimant did not have any accrued but unpaid holiday at the termination of her employment and therefore the Claimant was not entitled to be paid holiday pay.
6. The Respondent shall pay the Claimant's Employment Tribunal fee costs of £390.

REASONS

1. The correct name for the Respondent is David Hetherington Messenger T/A Elder Homes Group.
2. The Respondent employed the Claimant from 19 February 2006 until 3 June 2016, so that she was employed for 10 complete years.
3. The Respondent dismissed the Claimant without notice on 3 June 2016, saying that the Claimant was redundant. The Respondent did not pay the Claimant notice pay, or redundancy pay, or holiday pay on the termination of her employment. The Claimant brought claims for notice pay, redundancy pay and holiday pay to the Employment Tribunal. The Respondent has not defended the claims.
4. During her employment, the Claimant's gross salary was £1,875 per month, which amounted to £22,500 gross per year and £432.69 gross per week.
5. The Claimant was born on 21 April 1976 and therefore was aged under 41 throughout her employment. The Claimant's contract stated that her holiday year ran from 1 April each year. She had accrued once week's holiday to the date of termination of her employment, but she had also taken one week's holiday, so no holiday pay was outstanding at the date of her termination.
6. Under *s86 Employment Rights Act 1996* the Claimant was entitled to be paid 10 weeks' notice to terminate her employment.
7. The Respondent shall pay her notice pay calculated thus: $10 \times £432.69 = £4,326.90$.
8. As the Claimant had completed 10 years' employment, she was entitled to a redundancy payment under *s162 Employment Rights Act 1996*, calculated thus: $10 \times £432.69 = £4,326.90$. The Respondent shall pay her £4,326.90 redundancy pay.
9. The Claimant paid £390 in Employment Tribunal fees in order to bring her claim to a hearing. It is right that the Respondent should pay those costs under *Rule 76(4) Employment Tribunals Rules of Procedure 2013*. I order the Respondent to pay the Claimant her ET fee costs.

Employment Judge Brown

25 April 2017