



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss J Morris

**Respondent:** 55<sup>th</sup> Club Preston Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired and no valid response having been presented, it is the judgment of the tribunal that:

1. The claimant's complaint of unfair dismissal is well founded and succeeds. The claimant is entitled to a basic award. She had 23 years of continuous service, and was 57 at the date of her dismissal. Her weekly wage was £135.00

Basic Award : 28 x £135.00

**£3,780.00**

Whilst the claimant has also claimed a redundancy payment, and it seems likely she was redundant, in the absence of the respondent advancing this potentially fair reason for dismissal, the Tribunal makes a finding of unfair dismissal, and dismisses the claim for a redundancy payment.

2. In relation to the compensatory award, the claimant will receive a notice pay award as set out below, in respect of 12 weeks notice. Whilst the claimant has sought compensation based on losses to the date of hearing, and beyond, it seems likely that the respondent ceased trading on, or shortly after, the claimant's dismissal, and that her employment would have ended in any event during the notice period. The Tribunal accordingly does not propose to award any further sum in respect of loss of earnings, given that the claimant will receive 12 weeks' pay which will be co-terminous with the first 12 weeks of her loss of earnings for the purposes of any compensatory award. For the same reasons the Tribunal does not propose to make any award for loss of statutory rights or loss of long notice. If, however, the claimant wishes to pursue such claims, she is to notify the Tribunal within 14 days of receipt of this judgment and seek a remedy hearing.

3. The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded and the respondent shall pay to the claimant the sum of **540.00** in respect of 72 hours untaken, at £7.50 per hour, but accrued holiday (holiday pay). This

is a gross sum, from which the appropriate deductions for tax and national insurance should be made.

4. The claimant's complaint of breach of contract is well – founded and she entitled to twelve week's pay in respect of notice, the claimant having confirmed that she received no earnings during the notice period. Her notice pay entitlement is therefore 12 x £135 , £1,620.00. She did, however, receive benefits in the total sum of £620.04 . The respondent is ordered to pay her the sum of **£999.96**, as damages for breach of contract. This is a gross sum, from which the appropriate deductions for tax and national insurance should be made.

6. The recoupment regulations do not apply.

7. The hearing on 25 April 2018 is cancelled.

**P C Holmes EMPLOYMENT JUDGE**

**Dated: 30 January 2018**

**JUDGMENT SENT TO THE PARTIES ON  
9 February 2018**

**AND ENTERED IN THE REGISTER**

**FOR SECRETARY OF THE TRIBUNALS**



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2424272/2017

Name of case: Miss J Morris v 55th Club Preston Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 9 February 2018

"the calculation day" is: 10 February 2018

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office