



THE EMPLOYMENT TRIBUNALS

Claimants
Ms Y Gregg
Ms J Wilde

Respondent
Fellstar Property Ltd

EMPLOYMENT JUDGE GARNON
MADE AT NORTH SHIELDS

ON 20th July 2018

JUDGMENT (Liability and Remedy)
Employment Tribunals Rules of Procedure 2013 –Rules 21and 37

1 The claims of wrongful dismissal (breach of contract) are well founded. I order damages to be paid by the respondent of **£ 803.75 to Ms Gregg** and **£ 160.75 to Ms Wilde** .

2. The claims of unlawful deduction of wages are well founded. I order the respondent to repay **£ 230 to Ms Gregg** and **£230 to Ms Wilde**

3 The claims for compensation for untaken annual leave are well founded. I order the respondent to pay compensation **£ 144 to Ms Gregg** and **£144 to Ms Wilde**

4 Both claimants are entitled a redundancy payment payable by the respondent of **£1667.50 to Ms Gregg** and **£345 to Ms Wilde**

All listed Hearings are cancelled

REASONS

1. The claims were presented on 14th and served on 31st May 2018 . A response was due by 28th June 2018 but none were received I am required by Rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and , if so, obliged to issue a judgment which may determine liability and remedy. I have in the claim form and schedule of loss sufficient information to enable me to find the claims proved on a balance of probability and to determine the accuracy of the sums claimed. There are some errors in the schedules of loss which I have corrected . Loss of statutory rights cannot be awarded

2. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 (the Act).

Case Numbers 2501090/18 and 2501091/18

3. The common law provides a contract of employment may be brought to an end by reasonable notice. Dismissal without such notice is termed "wrongful". Damages for wrongful dismissal are the pay due during the notice period (see Addis v The Gramophone Company) less sums received in mitigation of loss . In the case of each claimant I give credit for half of sums received jointly with a partner

4. The Working Time Regulations 1998 say in Regulation 14 that where a worker's employment is terminated during the course of his leave year, and on the date on which the termination takes effect the proportion he has taken of the leave to which he is entitled in the leave year under regulation 13(1) differs from the proportion of the leave year which has expired. his employer shall make him a payment in lieu of untaken leave calculated by a formula which the claimant's representative has correctly applied .

TM Garnon Employment Judge

Date signed 20th July 2018