



EMPLOYMENT TRIBUNALS

Claimant

Mr M Mussell

v

Respondent

Mrs D Taylor t/a A J Virgo
Monumental Masons

JUDGMENT AT PRELIMINARY HEARING BY TELEPHONE

Heard at: Birmingham

On: 13 May 2020

Before: Employment Judge Lloyd

Appearances

For the Claimant: In person

For the Respondent: Mrs D Taylor, in person

JUDGMENT

- 1) The claimant is entitled to receive a statutory redundancy payment from the respondent, together with, 3 weeks' unpaid wages and 3 weeks accrued holiday pay.
- 2) I award him, £14,160.00 by way of statutory redundancy payment.
- 3) I award him £1,440.00 unpaid wages
- 4) I award him £1,440.00 holiday pay
- 5) I order the respondent to pay to the claimant **the total sum of £17,040.00.**

REASONS

1. The claimant, a monumental mason, was dismissed for redundancy on 23 September 2019. He had completed 44 years continuous employment with the respondent.

2. The claimant presented an ET1 on 26 September 2019, claiming a statutory redundancy payment, 3 weeks unpaid wages and 3 weeks accrued holiday pay.
3. The respondent states that she presented an ET3 response by post to the tribunal. The tribunal has no record of receipt of the same. Notwithstanding that, the respondent at this hearing has stated to the tribunal unequivocally that she does not defend or dispute the claimant's claims for, a statutory redundancy payment, 3 weeks unpaid wages and 3 weeks accrued but unpaid holiday pay. She has not disputed the claimant's gross weekly wage, of £480, or his length of service.
4. At this hearing, the respondent has apologised unequivocally to the claimant for the distress he has been caused by the loss of his job and the failure to pay him his redundancy payment and other unpaid amounts.
5. I have calculated the statutory redundancy according to the Government's online calculator, using the gross weekly figure of £480. The redundancy payment due to the claimant is £14,160.00.
6. The claimant has proven his claim of unpaid wages of 3 weeks. I award him the gross sum of £1,440.00.
7. The claimant has proven his claim of 3 weeks accrued holiday, unpaid. I award him the gross sum of £1,440.00
8. I award the claimant **the total sum of £17,040.00** which I order the respondent to pay to the claimant in full.

Employment Judge Lloyd
Signed and Dated: 13 May 2020