



## **EMPLOYMENT TRIBUNALS**

Claimants

Respondents

**(1) Mr J Featham  
(2) Mr D Cuskern**

**v**

**(1) Industrial Coating Services  
Limited (In Administration)  
(2) Secretary of State for Business & Trade**

Heard at: **Birmingham** On: **6 April 2023**

Before: **Employment Judge Kenward**

### **Appearances**

For the Claimants: **(1) in person; (2) written representations**

For the Respondents **(2) not in attendance**

## **JUDGMENT**

1. The Claims of the Claimants for protective awards have been dealt with in a separate Judgment.
2. In relation to the Claim of Mr Featham:
  - (1) the complaint as to non-payment of notice pay is well founded and the First Respondent is ordered to pay the Claimant the sum of £920.54 gross in respect of notice pay;
  - (2) the complaint as to a breach of contract in respect of the non-payment of a bonus is well-founded and the First Respondent is ordered to pay the Claimant the sum of £4,800.00 gross as damages for breach of contract.
3. In relation to the Claim of Mr Cuskern:
  - (1) the complaint as to non-payment of notice pay is well founded and the First Respondent is ordered to pay the Claimant the sum of £1,000.00 gross in respect of notice pay;
  - (2) the complaint as to a breach of contract in respect of the non-payment of expenses is well-founded and the First Respondent is ordered to pay the Claimant the sum of £240.00 gross as damages for breach of contract;
  - (3) the complaint as to holiday pay has not been pursued and is dismissed.



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1301038/2022**

4. No separate Order is made against the Second Respondent, but by reason of the insolvency of the First Respondent, any sum payable by the First Respondent as notice pay may be treated as within the scope of the obligations of the Second Respondent under Employment Rights Act 1996 section 184.

Signed

**Employment Judge Kenward**

Dated 8 August 2023

### **Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

### **Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

