



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr R Banks

AND

Respondent
Garbett Butchers Ltd

JUDGMENT ON A HEARING

HELD AT Birmingham (remotely, via CVP)

ON 5 December 2023

EMPLOYMENT JUDGE Dimbylow

Representation

For the claimant: In person

For the respondent: Not present or represented (and no response having been entered).

JUDGMENT

1. The claimant's claims for: (1) breach of contract over notice pay, (2) failure to pay for holidays accrued but not taken and (3) unfair dismissal were presented to the tribunal out of time. I declare that it was not reasonably practicable for the claimant to submit the claims in time, but they were submitted within a reasonable time thereafter and I extend the time for presentation of the claims up until 16 March 2023. Therefore, the tribunal has jurisdiction to hear those claims.

2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £1,510.25 (net). The claimant was entitled to 12 weeks' notice valued in the sum of £3,168.00; but he mitigated his losses to the extent of £1,657.75.

3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £7,552.50.

4. The respondent has failed to pay the claimant's holiday entitlement of 40.5 days at the rate of £57 per day in the 2 years preceding his dismissal, these

amounting to a series of deductions, and the respondent is ordered to pay the claimant the sum of £2,308.50 (gross).

5. The claimant was unfairly dismissed when he was dismissed by reason of redundancy. I order the respondent to pay compensation to the claimant in the sum of £500.00 for loss of statutory employment rights. No other award is made for unfair dismissal and recoupment of benefits does not apply.

Employment Judge Dimbylow
06/12/2023

Notes:

- (1) Reasons for the judgement having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.
- (2) All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimant and respondent.
- (3) **Recording and Transcription**
- (4) Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:
- (5) <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>