



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Michael Goddard

**Respondent:** MB Evans Limited

**Heard at:** Cardiff Employment Tribunal Via CVP

**On:** 31<sup>st</sup> January 2023

**Before:** Employment Judge Grubb (sitting alone)

## Representation

**Claimant:** Mr Stenson (counsel)

**Respondent:** No Attendance

# JUDGMENT

1. The claimant's claim for a protective payment under s. 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 is dismissed on having been withdrawn.

2. The claimant's complaint that there was an unauthorised deduction from his wages (holiday pay) is not well-founded. This means the claimant was not subject to unlawful deductions contrary to section 13 of the Employment Rights Act 1996.

3. The claimant's complaint that he was not provided with true written reasons for the dismissal contrary to s. 92 of the Employment Rights Act 1996 is not well-founded.

4. The respondent was in breach of contract for dismissing the claimant without notice.

5. The claimant's claim for unfair dismissal is well-founded. This means the respondent unfairly dismissed the claimant contrary to section 94 of the Employment Rights Act 1996.

6. The period of loss over which the Claimant can claim a compensatory award is reduced by 100% under the principles of *Polkey v A E Dayton Services*.
7. The respondent shall pay the claimant the following sums:
- a £16,800 basic award for unfair dismissal.
  - b £5,136 notice pay in respect of his breach of contract claim. This sum is net of tax and national insurance.

These sums are calculated as follows;

**1. Details**

Date of birth of claimant	31/07/1960
Date started employment	1997
Effective Date of Termination (EDT)	25/03/2022
Period of continuous service (years)	25
Age at EDT	61
Net weekly pay at EDT	428
Gross weekly pay at EDT	560
Gross annual pay at EDT	29120

**2. Basic award**

Basic award	16,800
Number of qualifying weeks (30) x Gross weekly pay (560)	

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<b>Total basic award</b>	<b>£16,800</b>
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**4. Notice pay**

12 weeks at £428 (net weekly pay)	5,136
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<b>Total compensation (other statutory rights)</b>	<b>£5,136</b>
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**Recoupment**

Prescribed period:	25/03/22 to 31/01/23
Total award	£21,936
Prescribed element	£0
Balance	£21,936

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Employment Judge Grubb

Date 31<sup>st</sup> January 2023

JUDGMENT SENT TO THE PARTIES ON 1 February 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

**Note**

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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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.