



EMPLOYMENT TRIBUNALS

Claimant: Mr N Goodings

Respondent: Miramar 246 Limited (In voluntary liquidation)

JUDGMENT

1. The claim of unauthorised deduction of wages is well-founded and succeeds. The Respondent is ordered to pay to the Claimant the gross sum of **£1,363.31**.
2. The claim in respect of accrued but untaken holiday pay under Regulation 30 Working Time Regulations is well founded and succeeds. The Respondent is ordered to pay to the Claimant the sum of **£1,025**.
3. The claim of breach of contract in respect of the failure to give 2 weeks' notice is well founded and succeeds. The Respondent is ordered to pay to the Claimant damages in the sum of **£612**.
4. The claim for a statutory redundancy payment is well founded and succeeds. The Respondent is ordered to pay the Claimant a redundancy payment in the sum of **£336**.
5. The claim for unfair dismissal is well founded and succeeds. The basic award of compensation is negated by the statutory redundancy payment. The Tribunal does not make any compensatory award.
6. The total amount to be paid to the Claimant is **£3,336.31**.

REASONS

7. The Claimant was employed by the Respondent from **26 August 2020 to 03 May 2023** as Duty Manager when he was dismissed without prior warning or notice by reason of redundancy. On **18 July 2023**, the Claimant presented a Claim Form to the Tribunal in which he claimed a redundancy payment, damages for wrongful dismissal (notice pay), outstanding holiday pay and arrears of pay and unfair dismissal.
8. The proceedings were served on the Respondent at its registered office with a response date of **07 September 2023**. However, no response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the

claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.

9. The Claimant's claim was one of a number of similar claims against the same respondent. Those claims were combined and listed for a case management preliminary hearing on **05 December 2023** at which further case management orders were made requiring further information from the Claimants.
10. At the date of termination of employment the Claimant was 22 years old and had two complete years of service with the Respondent. He worked an average of 33 hours a week for which he was paid £10.18 an hour. His gross weekly pay was £336 with a net wage of approximately £306. For the purposes of calculating any statutory redundancy payment he is entitled to 0.5 week's pay for each full year worked when under the age of 22, resulting in a redundancy payment of £336.
11. As at the date of dismissal, the Respondent had failed to pay him in respect of hours worked in the previous 4 weeks as follows: (week 1) 31.25 hours; (week 2) 35.67 hours; (week 3) 41.5 hours; (week 4) 25.5 hours: leaving a total of 133.92 hours which was payable by 08 May 2023. He had accrued 100.76 hours of untaken holiday, in respect of which he had not been paid. No compensatory award was sought in respect of the complaint of unfair dismissal. In any event, the business closed as a result of liquidation with the result that termination of his employment was inevitable.
12. I was satisfied that I had sufficient material to properly determine the claims for redundancy, unfair dismissal, unlawful deduction of wages, holiday pay and notice. Therefore, it was appropriate for a judgment to be issued to that effect.

Employment Judge **Sweeney**

Date: 22 December 2023