



EMPLOYMENT TRIBUNALS

Claimant: Mr Gary Herrick
Respondent: Caldera Construction Limited
Heard at: East London Hearing Centre (via CVP)
On: 12 April 2023
Before: Employment Judge John Crosfill

Representation

Claimant: In person
Respondent: No appearance or representation

JUDGMENT

Upon the Respondent failing to comply with any of the directions set by the Tribunal

AND UPON the Respondent failing to attend the final hearing

AND UPON the Tribunal being unable to contact the Respondent on the telephone numbers supplied

AND UPON the Tribunal determining that it was in the interests of justice to proceed in the absence of the Respondent pursuant to rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

AND UPON hearing evidence from the Claimant

1. The Claimant's claim for a statutory redundancy payment brought pursuant to sections 135 and 163 of the Employment Rights Act 1996 is well founded.
2. The Claimant is entitled to a statutory redundancy payment based on 5 years continuous service during the entirety of which the Claimant was over the age of 41. The Claimant's gross weekly pay exceeded the statutory maximum of £571.00, Accordingly the amount of the statutory redundancy payment is $5 \times 1.5 \times £571 =$ **£4282.50**

3. The Respondent is ordered to pay the Claimant the sum of **£4282.50**
4. The Claimant's claim for accrued but untaken holiday brought pursuant to Regulation 30 of the Working Time Regulations 1998 is dismissed.

**Employment Judge Crosfill
Dated: 12 April 2023**