



EMPLOYMENT TRIBUNALS

Claimant: Mr N A Mayers

Respondent: Elcarbec Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made on the claim in accordance with Rule 21 of the Rules of Procedure.
2. The respondent made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of **£414.48**, calculated as follows:
 - (a) unpaid wages of £288.00 (21-23 April 2024 incl x £96.00 per day).
 - (b) Unpaid employee contributions to the pension scheme of £126.48 (February to April 2024 incl; £42.16 x 3)
3. The respondent failed to pay the claimant's accrued untaken annual leave entitlement and is ordered to pay the claimant the gross sum of **£672.00** (£96.00 per day x 7 days).
4. 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 **£1,446.00** (3 weeks' statutory notice x £482.00 per week). This has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as "Post Employment Notice Pay".
5. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£2,169.00** (1.5 weeks' pay for each full year worked (3 years) @ £482.00 per week = 1.5 x 3 x £482).
6. Consequently, the respondent must pay the claimant the total gross sum of **£4,701.48**

Case No:2403617/2024

Employment Judge Tobin

1 November 2024

JUDGMENT SENT TO THE PARTIES ON

6 November 2024

FOR THE TRIBUNAL OFFICE

Public access to Employment Tribunal decisions

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



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2403617/2024**

Name of case: **Mr N A Mayers** v **Elcarbec Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 6 November 2024

the calculation day in this case is: 7 November 2024

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office