



EMPLOYMENT TRIBUNALS

Claimant: Mr D Whitworth

First Respondent: Secretary of State For Business Energy and Industrial Strategy

Second Respondent: Donna Michelbach

RECORD OF A HEARING

Heard at: Manchester

On: 2 October 2018

Before: Employment Judge Warren (sitting alone)

Appearances

For the claimant: in person

For the first respondent: no attendance (written submissions)

For the second respondent: no attendance

JUDGEMENT

1. It is just and equitable to extend the time for the claimant to present a claim for a redundancy payment to 4 April 2018. The tribunal thus has jurisdiction to hear the claim. The claimant was dismissed for redundancy by the second respondent. The claimant is entitled to a redundancy payment in the sum of three thousand and twenty four pounds (£3024.00).
2. It was not reasonably practicable for the claimant to bring claims of breach of contract and unpaid untaken annual leave within the primary applicable time limits. It was reasonably practicable for the claimant to bring the claims within an extended time limit ending on 4 April 2018. The tribunal thus has jurisdiction to hear these claims.
3. On the date of termination of employment, the claimant had accrued untaken leave of six (6) days and is entitled to compensation in the sum of two hundred and seventy two pounds and fourty pence (£272.40).
4. In breach of contract the second respondent failed to give the claimant notice. He is entitled to compensation in the sum of eighteen hundred and fifty six pounds (£1856.00)

5. The respondents are ordered to pay the claimant the sum of five thousand, one hundred and fifty two pounds and forty pence. (£5152.40).

Schedule of calculation

The claimant had been in the employment of the second respondent for a continuous period of 8 years and 2 weeks.

He was, at all material times, over the age of 41.

He earned £252.00 a week (gross) and £232 a week (net).

He had accrued 6 untaken days of annual leave for which he had not been paid as at the date of dismissal.

Redundancy

$$8 \times 1.5 \times 252 = \text{£}3024.00$$

Annual leave

$$6 \times 232 / 5 = \text{£}272.40$$

Notice pay

$$8 \times 232 = \text{£}1856.00$$

Total owed **£5152.40**

Employment Judge Warren

17 October 2018

Oral reasons having been given at the Hearing written reasons maybe requested within 14 days hereof.

Sent to the parties on:

29 October 2018

For the Tribunal:

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