



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4109543/2018

Employment Judge: Mary Kearns

Mr W Mc Michael

Claimant

Xel Manufacturing Services Ltd

Respondents

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £785.
2. 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 £4,709.
3. The claimant as dismissed by reason of redundancy and is entitled to a redundancy payment of £6,475.
4. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £1,962.
5. The hearing listed on Wednesday 19 September at 2pm is cancelled.

REASONS

1. The claimant presented a claim to the Employment Tribunal on 25 June 2018 in which he claimed arrears of pay (2 weeks at £392.40 per week = £784.80). He

also claimed the maximum 12 weeks' statutory notice pay (12 x £392.40 = £4,708.80).

2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it/him/her but failed to do so.
3. He was 48 years of age at the time of his dismissal and had 13 completed years' service. He is entitled to a redundancy payment of £6,474.60.
4. The claimant's holiday pay as follows: 5 weeks: 5 x 40 x £9.81 (hourly rate) = £1,962.
5. The respondent failed to lodge an ET3 response and judgment is therefore granted by default under Rule 21 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. All sums are rounded to the nearest whole pound.

Employment Judge:
Date of judgement:
Entered in register:
And copied to parties

Mary Kearns
17 August 2018
17 August 2018