



# EMPLOYMENT TRIBUNALS

**BETWEEN**

**Claimant**

**Respondent**

Danny Carvalho

Out of Africa Investments Limited  
(In Voluntary Liquidation)

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** London Central Employment Tribunal **ON** 22 February 2019

**EMPLOYMENT JUDGE Keith**

### Representation

**For the Claimant:** The claimant represented himself.

**For the Respondent:** The respondent did not attend and was not represented.

## JUDGMENT

**The judgment of the Tribunal is that:**

1. I find that the respondent unfairly dismissed the claimant. However, in view of the respondent's insolvency, I find that the reason for the claimant's dismissal was redundancy, and that he would have been dismissed fairly on the same date as his dismissal, so that his award is limited to a basic award. The claimant has already received a payment for redundancy and notice pay of £3,095.68, from the Insolvency Service, which appears to be deficient, so the award that the respondent is ordered to pay the claimant is **£2,893.66** (based on a redundancy payment entitlement of £3,268.44; damages for failing to give 7 weeks' notice of £2,720.90; less the £3,095.68 already received).

2. The respondent made unlawful deductions from the claimant's wages as set out below, which the respondent is ordered to pay to the claimant on net basis, without deduction of tax:
  - a. in respect of his pay for the period from 1 July to 7 August 2018; 5 weeks' net pay (including an average 'tronc' payment) of **£1,943.50**;
  - b. in respect of 16 days, or 3.2 weeks' accrued but untaken holiday, of **£1,243.84**, again net.
  - c. Pension contributions (both employer and employee contributions, the latter being deducted but never paid into the claimant's pension) for the period January to August 2018 of **£432.16**.
3. The total award (1 and 2) is therefore **£6,513.16** net, with no deduction for taxes.

Employment Judge Keith  
22 February 2019

Judgment sent to Parties on

13 March 2019

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**Note**

**Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.**