



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Jose Carvalho

Out of Africa Investments Limited
(In Voluntary Liquidation)

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT London Central Employment Tribunal **ON** 19 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. The claimant is no longer pursuing the claims for notice pay, on the basis that he has received this from the Insolvency Service. The claim is dismissed on the claimant's withdrawal of this claim.
2. 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 redundancy payment of £2,007.92, from the Insolvency Service, which appears to be deficient, so the basic award that the respondent is ordered to pay

the claimant is **£1,401.68** (a basic award of £3,409.60, less £2,007.92)

3. 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 **£1,790.50**;
 - b. in respect of 9 days, or 1.8 weeks' accrued but untaken holiday, of **£644.58**, 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 **£409.60**.
4. The total award (2 and 3) is therefore **£4,246.36** net, with no deduction for taxes.

Employment Judge Keith
19 February 2019

Judgment sent to Parties on

14 March 2019

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.