



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr Gary Bradley
(2) Mr John Blyth
(3) Mr Paul Littlejohns

Respondent: Windows Elite Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

Claim Numbers 2503489/2018 and 2503503/2018: the first claimant – Mr Gary Bradley

1. The first claimant is entitled to a redundancy payment from the respondent in the sum of **£6166.13** (22.5 weeks at £274.05p per week) and the respondent is ordered to pay to the first claimant the sum of £6166.13 forthwith.
2. The respondent is ordered to pay to the first claimant the sum of **£251.60p** (1 x £251.60 net per week) as damages for breach of contract in respect of unpaid notice pay. The first claimant mitigated his loss and found alternative employment at a higher rate one week after dismissal and thus the award is limited.
3. The claim of unpaid holiday pay advanced by the first claimant is well-founded and the respondent is ordered to pay to the first claimant the sum of **£548.10** (2 weeks x £274.05 per week) in respect of unpaid holiday pay. This is a gross amount and the first claimant shall account to the appropriate authorities in respect of any income tax and employee national insurance contributions due in respect of such sum on receipt by him.
4. The total sum due to the first claimant from the respondent of **£6965.83** is payable forthwith.

5. The complaints advanced by the first claimant under claim number 2503503/2018 are dismissed as duplicates of those advanced under claim number 2503489/2018 under which reference the above-mentioned sums are awarded to the first claimant.

6. The hearing set for 18 March 2019 in relation to the first claimant is cancelled.

Claim Number 2503490/2018 and 2503502/2018: the second claimant – Mr John Blyth

7. The second claimant is entitled to a redundancy payment from the respondent in the sum of **£2603.48** (9.5 weeks at £274.05p per week) and the respondent is ordered to pay to the second claimant the sum of £2603.48 forthwith.

8. The respondent is ordered to pay to the second claimant the sum of **£402.56p** (1 week and three days x £251.60 net per week) as damages for breach of contract in respect of unpaid notice pay. The second claimant mitigated his loss and found alternative employment at a higher rate one week three days after dismissal and thus the award is limited.

9. The claim of unpaid holiday pay advanced by the second claimant is well-founded and the respondent is ordered to pay to the second claimant the sum of **£548.10** (2 weeks x £274.05 per week) in respect of unpaid holiday pay. This is a gross amount and the second claimant shall account to the appropriate authorities in respect of any income tax and employee national insurance contributions due in respect of such sum on receipt by him.

10. The total sum due to the second claimant from the respondent of **£3554.14** is payable forthwith.

11. The complaints advanced by the second claimant under claim number 2503502/2018 are dismissed as duplicates of those advanced under claim number 2503490/2018 under which reference the above-mentioned sums are awarded to the second claimant.

12. The hearing set for 18 March 2019 in relation to the second claimant is cancelled.

Claim Number 2503491/2018 and 2503504/2018: the third claimant – Mr Paul Littlejohns

13. The claim advanced by the third claimant for a redundancy payment is well-founded and the third claimant is entitled to a remedy.

14. The claim advanced by the third claimant for breach of contract in respect of unpaid notice pay is well-founded and the third claimant is entitled to a remedy.

15. The claim advanced by the third claimant in respect of unpaid holiday pay is well-founded and the third claimant is entitled to a remedy.

16. The complaints advanced by the third claimant under claim number 2503504/2018 are dismissed as duplicates of those advanced under claim number 2503491/2018 under which reference the above-mentioned Judgments are awarded to the third claimant.

17. The hearing set for 18 March 2019 in relation to the third claimant remains in the list and the third claimant must attend with full details of the sums which he claims pursuant to the above Judgments in his favour unless before then he has provided sufficient details in writing to enable the Tribunal to calculate the sums due to the third claimant. The length of hearing on 18 March 2018 is reduced from three hours to one hour before an Employment Judge alone. The respondent will only be entitled to take part in that hearing to the extent (if any) permitted by the Employment Judge.

18. The respondent company is shown at Companies House Cardiff as “Active - *proposal to strike off*”. The claimants may wish to advise the Registrar of Companies of this Judgment forthwith and ask that the respondent not be struck off pending these matters being resolved.

Employment Judge A M Buchanan

Date: 7 March 2019

FOR THE TRIBUNAL OFFICE