



EMPLOYMENT TRIBUNALS

Claimant: Mr D Boswell

Respondent: Bob Jones, Prytherch & Co Marts Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimant was constructively unfairly dismissed.
2. The reason for the respondent's fundamental breach of contract was due to the respondent ceasing to trade and the claimant was therefore dismissed by reason of redundancy and is entitled to a statutory redundancy payment of **£5777.00** (26.5 weeks x £218 a week (having grossed up the claimant's net monthly wage of £906 a month to £945 a month));
3. 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 **£2616.00** (12 x £218). The claimant is responsible for payment of any tax or employee national insurance contributions due.
4. The respondent has failed to pay the claimant's holiday entitlement accrued and outstanding on termination of employment and is ordered to pay the claimant the gross sum of **£1090** (25 x £43.60). The claimant is responsible for payment of any tax or employee national insurance contributions due.
5. The respondent failed to pay the claimants wages from 1 October 2020 to 31 January 2021 (the previous County Court Judgment awarded up to September 2020). The respondent is ordered to pay the claimant the gross sum of **£3780.00** (4 x £945). The claimant is responsible for payment of any tax or employee national insurance contributions due.

Employment Judge R Harfield

Date: 17 September 2021

JUDGMENT SENT TO THE PARTIES ON 22 September 2021
AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE Mr N Roche