



# EMPLOYMENT TRIBUNALS

**Claimant: Mr T Matthews**

**Respondent: W Hedley & Sons Ltd**

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The claim in respect of a statutory redundancy payment under section 163 Employment Rights Act 1996 is well founded and succeeds. The Respondent is ordered to pay to the Claimant a redundancy payment in the sum of **£1,076**.
2. The Hearing on 19 March 2021 is cancelled.

## REASONS

3. The Claimant was employed by the Respondent from 10 January 2018 until 01 October 2020 when he was dismissed by reason of redundancy. On 22 December 2020, he presented a Claim Form to the Tribunal against William Hedley Senior, in which he claimed a statutory redundancy payment.
4. The Respondent presented a late response to the claim indicating that the Claimant's employer and therefore the correct respondent was W Hedley & Sons Ltd but said that the claim was not defended. The Claimant subsequently confirmed that the Respondent was correct as to the identity of his employer and the Claim Form was amended accordingly.
5. In these circumstances, an Employment Judge was required by Rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination could be made on the claims and, if so, to issue a judgment which may determine liability and remedy.
6. At the time of dismissal the Claimant had been continuously employed for more than two years and was 25 years of age. His weekly gross wage was £650.

7. I was satisfied that I had sufficient information to enable me to issue a judgment in respect of the claim for redundancy pay. The claim for a redundancy payment was made in time (in accordance with section 164 Employment Rights Act 1996). I was satisfied that the Claimant was dismissed by reason of redundancy, having regard to the statutory presumption in section 163 ERA 1996 the information provided by the Claimant in his Claim Form and by the fact the claim was not defended.
8. As to the amount of redundancy, his gross weekly wage is to be capped at £538. He is entitled to a statutory redundancy payment of £1,076.

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**Employment Judge Sweeney**

25 February 2021