



EMPLOYMENT TRIBUNALS

Claimant: Mr B Smith

Respondent: Ormskirk Metal Fabrication Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure.
2. 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 **£468.00**. The claimant was entitled to 3 weeks' notice but fully mitigated his loss in respect of 2 of those weeks so damages are limited to one week's notice. The damages are awarded on a gross basis because it is likely that on receipt the claimant will have to pay tax on this amount as Post Employment Notice Pay (1 week x £468).
3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£2,106.00** (1.5 weeks for every complete year of service when the claimant was aged over 40; $3 \times 1.5 \times £468.00 = £2,106.00$).
4. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£2,527.20** ($£468.00 \text{ divided } 5 = £93.60 \text{ per day } \times 27 \text{ days unpaid holiday}$).

Employment Judge McDonald

Date: 8 February 2023

Case No: 2405967/2022

JUDGMENT SENT TO THE PARTIES ON

9 February 2023

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2405967/2022**

Name of case: **Mr B Smith** v **Ormskirk Metal
Fabrication Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 9 February 2023

the calculation day in this case is: 10 February 2023

the stipulated rate of interest is: 8% per annum.

For the Employment Tribunal Office