



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr H Worton

**Respondent:** Miramar 246 Limited (In voluntary liquidation)

## JUDGMENT

1. The claim of unauthorised deduction of wages is well-founded and succeeds. The Respondent is ordered to pay to the Claimant the gross sum of **£945** (less any amount already paid by the Secretary of State in respect of arrears of pay).
2. The claim of breach of contract in respect of the failure to give 2 weeks' notice is well founded and succeeds. The Respondent is ordered to pay to the Claimant damages in the sum of **£349** (less any amount paid by the Secretary of State in respect of notice).

## REASONS

3. The Claimant was employed by the Respondent from **30 June 2020 to 03 May 2023** as a pizza chef when he was dismissed without prior warning or notice by reason of redundancy. On **31 July 2023**, the Claimant presented a Claim Form to the Tribunal in which she claimed a redundancy payment, damages for wrongful dismissal (notice pay), outstanding holiday pay and arrears of pay.
4. The proceedings were served on the Respondent at its registered office with a response date of **21 September 2023**. However, no response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
5. The Claimant's claim was one of a number of similar claims against the same respondent. Those claims were combined and listed for a case management preliminary hearing on **05 December 2023** at which further case management orders were made requiring further information from the Claimants.
6. Mr Worton did not attend that hearing but, on **18 December 2023**, complied with directions to send further information to the tribunal.

7. The Claimant worked on average 38 hours a week for which he was paid £10.50 an hour. Sometimes he would work between 45 and 50 hours. His gross weekly pay averaged £400 with a net wage of approximately £349.
8. As at the date of dismissal, the Respondent had failed to pay him in respect of 90 hours worked in the previous 2 weeks leaving a total of £945 which was payable by 05 May 2023. He was entitled to one week's notice of termination which was not paid.
9. I was satisfied that I had sufficient material to properly determine the claims for unlawful deduction of wages and notice. Therefore, it was appropriate for a judgment to be issued to that effect.

Employment Judge **Sweeney**

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Date: 22 December 2023