



EMPLOYMENT TRIBUNALS

Claimant: Mr J Newcomb

Respondent: Thistle House Car Sales Ltd

Heard at: London South

On: 1 October 2024

Before: Employment Judge Cawthray

Representation

Claimant: In person, not legally qualified

Respondent: Did not attend

JUDGMENT

1. The Claimant is entitled to a statutory redundancy payment from the Respondent. The Respondent is ordered to pay the gross sum of £19,290.00 as redundancy payment.
2. The Respondent has made an unauthorised deduction from the Claimant's wages by failing to pay the Claimant the full amount of wages due for the month of February 2024 and is ordered to pay to the Claimant the gross sum of £3,250.00 in respect of the amount unlawfully deducted. The Respondent will be entitled to deduct any tax and employee's national insurance contributions due on this amount before payment to the Claimant.
3. The Respondent has breached the contract of employment by dismissing the Claimant without the full notice period. The Claimant was entitled to 12 weeks' notice. The Claimant's basic gross weekly pay was £750.00 (£750.00 x 12 weeks = £9,000.00.) However, in March 2024 the Claimant received job seekers income support of £198.36 He set up his own business on 2 April 2024 and in April 2024 he made profits of £3,869 and in May profits of £2,961. Therefore, in the 12 week notice period the Claimant received £7,028.36. I must deduct this sum from the £9,000.00 owed. Accordingly, the Respondent is ordered to pay the gross sum as damages for breach of contract of £1,971.64.

4. The Respondent has breached the contract of employment by not paying the Claimant the sum for four weeks holiday as agreed. The Claimant's basic gross weekly pay was £750 (£750 x 4 weeks = £3000.00). The Respondent is ordered to pay the gross sum as damaged for breach of contract of £3,000.

Employment Judge Cawthray

Dated: 1 October 2024

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>