

THE INDUSTRIAL TRIBUNALS

CASE REF: 22111/20

CLAIMANT: Jonathan Moore
RESPONDENT: D and L Sapphire Ltd

JUDGMENT

1. The claimant's claims for a Redundancy Payment and Notice are well-founded.
2. The tribunal has decided to determine the redundancy payment claimed as follows based on the following information:-

Gross weekly pay	£200.00
Net pay	£191.76
Number of actual completed years of service	18
Age on date of dismissal	51
Multiplier for redundancy	23

3. The respondent is liable to make a redundancy payment in the sum of **£4,600.00**.
4. The respondent is liable to make payment in respect of Notice Pay in the sum of **£912.78**.

CONSTITUTION OF TRIBUNAL:

Employment Judge: Employment Judge Gamble

Members: Mr A Barron
Mrs F Cummins

APPEARANCES:

The claimant was represented by Mr Agnew from the Office of Alan Chambers MLA.

No appearance was presented by the respondent, who did not participate and was not represented in the proceedings.

SOURCES OF EVIDENCE

1. The claimant gave oral evidence and the tribunal also read and considered all of the documents which were provided to the panel in advance of the hearing.

RELEVANT FINDINGS OF FACT AND CONCLUSIONS

2. The claimant was employed as a bar person by the respondent from 5 March 2001, until his dismissal by the respondent by reason of redundancy on 10 January 2020, when he was called to a staff meeting and told the business was closing.
3. The claimant was aged 51 at the date of his dismissal.
4. The claimant did not receive Notice or pay in lieu thereof on his dismissal.
5. The claimant did not receive a Redundancy Payment from the respondent despite requesting this in writing by letter dated 5 February 2020.
6. The tribunal finds that the claimant was entitled to a Redundancy Payment when his employment ended.
7. The tribunal awards the sum of **£4,600.00** in respect of a Redundancy Payment, calculated in accordance with Article 197 of the Employment Rights (Northern Ireland) Order 1996.
8. The tribunal is satisfied that the claimant was entitled to receive 12 weeks' notice in accordance with Article 118 of the Employment Rights (Northern Ireland) Order 1996 and that the claimant is entitled to be compensated for his loss due to not being given notice.
9. The claimant obtained new employment from 28 February 2020 for a period of three weeks, when he received £171.00 per week net.
10. The claimant gave evidence, which is accepted by the tribunal, that he received Job Seekers' Allowance from 13 January 2020 at £73.10 per week and Universal Credit of 109.00 per month during the period when he should have received notice from the respondent.
11. The claimant gave evidence, which is accepted by the tribunal that his claims for Job Seekers' Allowance and Universal Credit ceased during the three weeks' work mentioned at paragraph 9 above.
12. Had the claimant received the notice he was entitled to, he would have received £2301.12 (12 weeks at £191.76 net per week).
13. The claimant received Universal Credit in the amount of £217.44 (9 weeks at £24.16 per week) during the period during for which he should have received notice.
14. The claimant received Job Seekers' Allowance in the amount of £657.90 (9 weeks at £73.10 per week) during the period for which he should have received notice.

15. The claimant received £513 (three weeks' net pay of £171 per week) during the period for which he should have received notice.
16. The claimant's loss from not receiving notice is therefore **£912.78** (£2301.12 less £1388.34 received.)
17. The claimant gave evidence that sometime in June 2020 he was given an envelope containing £500 cash, which he understood to have come from someone connected with the respondent. However, the tribunal was not satisfied that this sum should be taken into account in assessing the claimant's loss from the failure to give notice as it was not satisfied that it could make any finding as to the source and purpose of this payment. If the tribunal had taken it into account, it would have counted this payment towards the notice element of the claimant's claim.
18. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 19 May 2021, Belfast.

This judgment was entered in the register and issued to the parties on: