



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Payne

Respondent: The estate of Sharon Stead, deceased

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimant's employment by Sharon Stead ended by frustration upon the death of Sharon Stead on 30 December 2016 and no response has been presented to this claim by the estate.
2. Applying Section 136(5) of the Employment Rights Act 1996, the claimant is treated as having been dismissed by reason of redundancy and is entitled to a redundancy payment of £5029.50, representing 7 years' continuous employment all when aged over 41 years at the relevant date, at the maximum week's pay of £479.00.
3. Since the employment was terminated by frustration, there was no breach of contract and the claimant's notice pay claim is dismissed.
4. The respondent failed to pay the claimant's outstanding holiday entitlement and is ordered to pay the claimant the sum of £461.54 net (representing 7 days' pay at her net pay of £461.54 per week).
5. No order for the respondent to pay costs under Rule 75(1)(b) is made although the claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51, the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances I shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.

Regional Employment Judge Parkin

Date: 14 August 2017

JUDGMENT SENT TO THE PARTIES ON
29 August 2017

Case No: 2403016/2017

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2403016/2017

Name of Mrs J Payne v The estate of Sharon
case(s): Stead, deceased

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 29 August 2017

"the calculation day" is: **30 August 2017**

"the stipulated rate of interest" is: 8%

MR I STOCKTON
For the Employment Tribunal Office