



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4101532/2017

Employment Judge: Mr R Gall

Mr W Barbour

Claimant

D & M Haulage (Mixer Hire) Limited

Respondents

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The dismissal of the claimant by the respondent was unfair in terms of the Employment Rights Act 1996. The Tribunal orders that the respondents pay to the claimant a Monetary Award of £5,032.39. The Prescribed Element is £2,809.39 and relates to the period from 28 January 2017 to 15 March 2017. The Monetary Award exceeds the prescribed element by £2,223.
- 2 The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £618.17 in respect of holiday's accrued but untaken to date of dismissal, being 1.43 weeks of holiday.

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- 3 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.

Employment Judge: Robert Gall

Date of judgment: 28 August 2017

Entered in register and copied to parties: 28 August 2017