



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107057/2019

Mr David Benton

Claimant

Bryan Byrne Consultants Ltd

Respondent

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, having taken into account the claimant's additional information provided to the Tribunal on 10 July 2019, further to its request for further information.

- 1 The respondent has made an unauthorised deduction from the claimant's wages for March 2019 and is ordered to pay the claimant the sum of **£2,250 (Two Thousand, Two Hundred and Fifty Pounds)** for unpaid salary, and **£23.40 (Twenty-Three Pounds, Forty Pence)** for unpaid expenses.
- 2 The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant of 9 weeks' notice pay in the sum of **£4,673.07 (Four Thousand, Six Hundred and Seventy-Three**

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- Pounds, Seven Pence)**, being 9 weeks at £519.23 per week. The claim for £6,750 (being 3 months at £2,250 per month) is refused, as not vouched as being contractually payable to the claimant, and the Tribunal has made an award based on his statutory minimum period of notice.
- 3 The claimant was dismissed by reason of redundancy and is entitled to a statutory redundancy payment of **£6,858 (Six Thousand, Eight Hundred and Fifty-Eight Pounds)** based on his age 56 years, 9 years' continuous employment, and weekly pay of £519.23 per week, but restricted to the statutory maximum of £508 per week, giving a statutory redundancy payment entitlement of 13.5 weeks at £508. The claim for a redundancy payment of £13,780 is overstated by the claimant, and it is accordingly refused by the Tribunal, as it is not vouched as being contractually payable to the claimant.
- 4 The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£1,290 (One Thousand, Two Hundred and Ninety Pounds)** being 8.6 days at £150 per day.
- 5 The claim for £500 for loss of statutory rights is refused, as there is no complaint of unfair dismissal before this Tribunal.
- 6 The hearing listed for 9 August 2019 is cancelled.

Employment Judge: Ian McPherson
Date of Judgement: 16 July 2019
Entered in register: 17 July 2019
And copied to parties