



THE EMPLOYMENT TRIBUNALS

Claimant: Mr Anthony Wilson

Respondent: Robb's Shoe Services Limited

JUDGMENT ON LIABILITY AND REMEDY

Rule 21 Employment Tribunal's (Constitution & Rules of Procedure) Regulations 2013, Schedule 1

The Judgment of the Employment Tribunal is as follows:

1. The claimant's claim for holiday pay is dismissed upon withdrawal by the claimant.
2. The claimant's claim for a redundancy payment is well-founded. The claimant is entitled to receive a redundancy payment in the sum of £8,835.00.
3. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

REASONS

1. The claimant submitted his ET1 form on 1 November 2019. The respondent failed to submit their ET3 form by 9 December 2019, however a copy of the respondent ET3 form and an explanation that it had been sent to an old address in error was received by the tribunal on 16 December 2019, although it was not accompanied by an application to extend time for the late service of the ET3. The respondent indicated in the ET3 that it does not defend this claim and had no intention of attending the Tribunal hearing which was listed to take place on 8 January 2020.
2. The claimant sent an email to the Employment Tribunal on 17 December 2019 stating that he wanted to "retract" his claim for holiday pay and he confirmed in an email dated 18 December 2019 that the holiday pay claim was not being pursued. Therefore, the holiday pay claim is dismissed upon withdrawal by the claimant.

3. The claimant's gross weekly salary was £310 and he had completed 19 years of service at the date of his dismissal. The claimant was aged 63 years at the effective date of termination and he agreed in his email dated 17 December 2019 that he was entitled to a statutory redundancy payment calculated at £310 x 28.5 weeks = £8835.00.
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

EMPLOYMENT JUDGE ARULLENDRAN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON**

.....22 January 2020.....

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