



EMPLOYMENT TRIBUNALS

Claimant: Mr S Ashby

Respondent: Lunar Automotive Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rules 21 and Rule 60

Upon the respondent not presenting a response to claim number 2413312/2020 and on the basis of admissions in the response to claim number 2419458/2020, judgment is as follows:

1. The respondent has made an unauthorised deduction from the claimant's wages by not paying wages to the claimant (at the rate of 80% of normal pay) in the period 1 September 2020 to 9 November 2020 inclusive and is ordered to pay the claimant the gross sum of £3007.68.
2. The respondent was in breach of contract by not paying the claimant (at the rate of 100% of normal pay) during his 3 weeks' notice period and the respondent is ordered to pay damages to the claimant in the sum of £1,127.88. This is a net sum but is based on the claimant's gross pay because it is likely that upon receipt the claimant will have to pay tax on this amount.
3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £1,691.82.
4. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant the gross sum of £751.92.

5. The complaint in relation to deduction of employee's pension contributions not paid to the pension scheme will be decided at a final hearing to be arranged, there being a time limit issue to consider in relation to this complaint.

6. The complaint about underpayment for holiday taken during furlough will be the subject of a further judgment on paper or will be determined at a final hearing, if it appears there is a time limit or any other outstanding issue to be decided.

Employment Judge Slater

Date: 6 October 2021

JUDGMENT SENT TO THE PARTIES ON
8 October 2021

.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2413312/2020 & 2419458/2020**

Name of case(s): **Mr S Ashby** v **Lunar Automotive Ltd**

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 judgment day" is: 8 October 2021

"the calculation day" is: 9 October 2021

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office