



EMPLOYMENT TRIBUNALS

Claimant: Mr D Marsh

Respondent: SLG DB 3 Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with Rule 21 of the Rules of Procedure.
2. The respondent has made an unauthorised deduction from the claimant's wages between March and November 2020 and is ordered to pay the claimant the gross sum of **£18,083.81**
3. The claimant was dismissed in breach of contract in respect of notice and the claimant was deprived of his notice pay in the gross sum of **£47,499.92** (26 weeks' contractual notice). This has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as "Post Employment Notice Pay". However, applying the statutory cap which applies to contract claims brought in the Tribunal, the respondent is ordered to pay the sum of **£25,000** in respect of this complaint.
4. The respondent has failed to pay the claimant's accrued untaken annual leave entitlement of 25 days (22 days rolled over from previous years and 3 days accrued in January 2022) and is ordered to pay the claimant the gross sum of **£9,134.60** (gross weekly pay of £1826.92 x 5 weeks).
5. Consequently, the respondent must pay the claimant the total gross sum of **£52,218.41**
6. The claimant will be responsible for paying tax liabilities arising out of the gross award if they receive the gross figure and tax is not deducted at source.

Employment Judge Johnson

Date: 7 March 2024

JUDGMENT SENT TO THE PARTIES ON

14 March 2024

.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2403924/2022**

Mr D Marsh v SLG DB 3 Limited

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: 14 March 2024

"the calculation day" is: 15 March 2024

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

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.