



EMPLOYMENT TRIBUNALS

Claimant: Miss J Young
Respondent: Hospitality Administration Services Limited
Heard at: Newcastle Employment Tribunal (remotely by video hearing)
On: 15 January 2024
Before: Employment Judge Sweeney

Appearances

For the Claimant, In person

For the Respondent, No attendance or representation

JUDGMENT

1. The claim for a statutory redundancy payment is well founded and succeeds.
2. The claim under regulation 30 of the Working Time Regulations 1998 for failure to pay outstanding accrued holiday pay is well-founded and succeeds.
3. The Claimant's claim of unfair dismissal is well-founded and succeeds.

REMEDY

4. Statutory Redundancy Payment:

4.1. The Respondent is ordered to pay the Claimant a redundancy payment in the sum of **£1,072.50**. This has been calculated as follows:

- 4.1.1. Gross weekly wage: **£429**
- 4.1.2. Age of date of dismissal: **23**
- 4.1.3. Number of complete years' continuous employment: **4**

(£429 x 2.5)

5. Holiday pay:

5.1. The Respondent is ordered to pay to the Claimant the gross sum of **£566.28**. This has been calculated as follows:

5.1.1. Number of days holiday entitlement in holiday year 01/01/23 to 31/12/24: **28**

5.1.2. Number of days accrued in that holiday year: **11.6**

5.1.3. Number of days taken in that year: **5**

5.1.4. Balance outstanding: **6.6**

5.1.5. Daily rate of pay: **£85.80**

(6.6 x £85.80)

6. Unfair Dismissal:

7. The Respondent is ordered to pay to the Claimant the sum of **£10,246** consisting of:

7.1. A Basic Award of **£0** (the basic award of £1,072.50 having been cancelled out by the statutory redundancy payment)

7.2. A Compensatory Award of **£10,246**. This has been calculated as follows:

Period A

7.2.1. Net loss of income from **01 June 2023** to **10 October 2023** (period of unemployment): £6,290.

Period A losses = £6, 290

Period B

7.2.2. Net losses from **10 October 2023** to **08 January 2024** (period of part time employment): £4,800

LESS

7.2.3. Net income received in that period: £1,344.

Period B losses = £3,456

Period C

7.2.4. Net loss of income from **08 January 2024** (Claimant from this date earning £1,608 net a month): £0

Period C losses = £0

Total loss Periods, A, B & C = £9,746

7.2.5. Loss of Statutory Rights: **£500**

7.2.6. Total Compensatory Award: **£10,246** (£9,746 + £500)

8. For the purposes of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ('the Regulations') the Prescribed Period is 01 June 2023 to 15 January 2024, being that part of the compensatory award in respect of immediate loss of earnings.

9. I have applied the Regulations as follows:

9.1. Prescribed Period: **01 June 2023 to 15 January 2024**

9.2. Prescribed Element: **£9,746**

Employment Judge **Sweeney**

Date: 15 January 2024

Note

Reasons for the Judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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Recording and Transcription

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>