



EMPLOYMENT TRIBUNALS

Claimant

Mr M Burnside

Respondent

Whitelock Developments Ltd

JUDGMENT

EMPLOYMENT TRIBUNAL RULES OF PROCEDURE RULE 21

1. The Respondent has failed to present a response to this claim and it appears to me that a determination can properly be made of it on the information available.
2. The Claimant's complaints of unfair dismissal and wrongful dismissal and his claim for pay in lieu of accrued but untaken holiday are well-founded and succeed.
3. The Respondent shall pay the Claimant the following sums:
 - 3.1 Notice pay: **£5250**
[calculated gross to reflect the likelihood that the Claimant will have to pay tax on it as post-employment notice pay; 7 x £750]
 - 3.2 Basic award for unfair dismissal: **£6751.50**
[based on the capped figure for weekly pay of £643, 7 complete years' service and age at dismissal 54 years old]
 - 3.3 Compensatory award for unfair dismissal: **£3490**
[calculated using the net equivalent of £598 for a week's pay, starting from end of notice period to avoid double recovery gives 5 additional weeks' loss = 5 x £598, plus £500 loss of statutory rights]
 - 3.4 No ACAS uplift payable because there was no disciplinary or grievance process.
4. The total sum payable is therefore **£15,491.50**. If any tax is payable, the Claimant is responsible for paying it.
5. The Claimant has not included any sum for payment in lieu of accrued but untaken holiday in his calculation.

Case Number: 1807610/2023

Employment Judge Davies

Date: 7th February 2024

Sent to the parties on:

Date: 20th February 2024

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For the Tribunal:

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