



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Kerr

Respondent: BM Retail Limited (In Administration)

Heard: BY CVP **On:** 3 August 2021

Before: Employment Judge JM Wade

Appearances

For the claimant: In person

For the respondent: No appearance

This has been a remote hearing. No response was presented by the return date and the administrator provided consent for the claim to proceed on 22 February 2021. I heard sworn evidence from the claimant and determined her claim today as set out below. There was no claim for a protective award in the claim form. Had such a claim been presented, the facts described suggest it would have had little or no prospects of success. The claimant secured new employment wholly mitigating her losses and did not therefore pursue complaints in respect of arrears of pay/damages for breach of contract.

RULE 21 JUDGMENT

- 1 The claimant's complaint of unfair dismissal is well founded and succeeds.
- 2 The unlawful deduction from wages and breach of contract complaints are not pursued and dismissed.
- 3 Any other complaints indicated in the claim form are dismissed as being outside the jurisdiction of the Tribunal/misconceived.
- 4 I make no Basic Award (the claimant having received a statutory redundancy payment from the Insolvency Service).
- 5 The respondent shall pay to the claimant a Compensatory Award of £500 to reflect her loss of statutory rights only.
- 6 The recoupment regulations do not apply to this award.

Employment Judge JM Wade

3 August 2021

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