



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms T Lamb

**Respondent:** BM Retail Limited (In Administration)

**Heard:** BY CVP                      **On:** 4 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. There was also no claim for holiday pay in the claim form, presented by the first claimant on behalf of herself and six colleagues. The claimant has not received holiday pay or notice pay from the Insolvency Service. She did secure new employment after the notice period expired but has ongoing losses.

## **RULE 21 JUDGMENT**

- 1 The claimant's complaints of unfair dismissal, unlawful deduction from wages and breach of contract are well founded and succeed.
- 2 Any other complaints indicated in the claim form are dismissed as being outside the jurisdiction of the Tribunal/misconceived (relating to the opportunity to be brought back from work during furlough).
- 3 The respondent shall pay to the claimant gross damages in respect of 12 weeks' unpaid notice and pension contributions (at 5.3%) in the sum of £9914.30.
- 4 The unlawful deductions from wages complaint is remedied by the damages award above.
- 5 I make no Basic Award (the claimant having received a statutory redundancy payment from the Insolvency Service).
- 6 The respondent shall pay to the claimant a Compensatory Award of £9250.
- 7 The recoupment regulations do not apply to this award.

**Employment Judge JM Wade**

**4 August 2021**

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