



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100015/2023

Employment Judge: D Hoey

Mr Sunday Onyema

Claimant

Lemon Bar Ltd

First respondent

St Judes

Second respondent

## JUDGMENT

### Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent has failed to pay the claimant's notice pay due in terms of his contract and the first respondent is ordered to pay the claimant the sum of £285 (**TWO HUNDRED AND EIGHTY FIVE POUNDS**) amounting to 3 week's notice (3 x £95). That is the net sum and any tax due (for sums for which the employer is responsible) is the respondent's responsibility.
- 2 The claimant's dismissal was unfair.
- 3 The claimant is awarded a basic award of £285 uplifted by 25% for the respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures of 25% (£71.25). The total basic award is therefore £356.25 (**THREE HUNDRED AND FIFTY SIX POUNDS AND TWENTY FIVE PENCE**).
- 4 The claimant is also awarded a compensatory award comprising the sum of £300 for loss of statutory rights, which is uplifted by 25% for the respondent's unreasonable

failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures of 25% (£75). The total compensatory award is therefore £375 (**THREE HUNDRED AND SEVENTY FIVE POUNDS**).

- 5 The claimant is awarded 2 weeks' pay for the respondent's failure to issue a written statement pursuant to section 1 of the Employment Rights Act 1996, in the sum of £190 (**ONE HUNDRED AND NINETY POUNDS**).
- 6 The claim as against the second respondent is dismissed, the first respondent being the claimant's employer.

Employment Judge: David Hoey  
Date of Judgment: 17 March 2023  
Entered in register: 22 March 2023  
and copied to parties