



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss L Frankland

v

**The Estate of Anthony Edward
Burgess trading as the Black Bull
Inn (1)**

John Burgess (2)

Heard at: Leeds

On: 9 September 2019

Before: Employment Judge JM Wade

Appearances:

For the Claimant:

No attendance

For the Respondent:

No attendance

JUDGMENT

- 1 The claimant's complaint against John Burgess is dismissed.
- 2 The claimant's complaint of entitlement to a statutory redundancy payment succeeds against the first respondent (as titled above) and the first respondent shall pay to her the sum of **£2352.01**.
- 3 The complaint of holiday pay on the termination of employment is dismissed: it has been presented outside the requisite time limit.

REASONS

- 1 The claimant was employed at the first respondent pub. In June of this year I gave Judgment in respect of claims by three of her former colleagues, who attended a hearing.
- 2 The facts and matters not in dispute are these. The claimant was employed by the first respondent landlord. He died on 14 January 2019, which operated to terminate the contracts of employment of his then employees, including the claimant.
- 3 The claimant commenced ACAS conciliation in mid April of this year, but did not present her claim until 4 July 2019. The claim for holiday pay is out of time. It should have been presented within three months of the date on which payment for Regulation 14 holiday pay should have been made. The claim for redundancy pay is in time and the first respondent consents to Judgment in the sum above, It is calculated on the basis of ten years'

service, the age of 31 when employment ended, and a pay calculation which is higher than that in the claim form.

- 4 The first respondent further advised the claimant that if she did not accept the sums it had calculated (and which appear to the Tribunal to be correct based on service recorded in its records), she could attend today.
- 5 She did not attend and accordingly it appears in the interests of justice to give Judgment in the sum above against the second respondent properly titled.
- 6 The second respondent (son of the first respondent) has not employed the claimant (and indeed she says as much in her claim form) and is properly to be dismissed from these proceedings.

Employment Judge JM Wade

Date: 9 September 2019