



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs C Wignall

**Respondent:** 5 Star Food and Wine Limited

**Heard at:** Liverpool remotely by CVP      **On:** 14 April 2021

**Before:** Employment Judge Aspinall

## Representation

Claimant: Mr Mortin, Counsel

Respondent: did not attend

# JUDGMENT

## The judgment of the Tribunal is that:

1. The claimant's claim for unfair dismissal, notice pay and holiday pay succeed.
2. The claimant is awarded a basic award of £ 9528.12 made up as follows:  
16 years of service  $\times 1.5 \times 340.29 = 8166.96$  plus  
4 years of service  $\times 1 \times 340.29$  equals  $= 1361.16$
3. The claimant is awarded a compensatory award calculated as follows:
  - 3.1 £ 3742.37 for loss of earnings from date of termination of employment on 9 May 2020 to new employment, 12.5 weeks at £ 299.39 net loss per week (based on a calculation of net weekly pay computed using the claimant's 1250L tax code for her 2019/2020 annual salary amount of £15 568.59 giving 299.39 ) plus
  - 3.2 £239.48 for the loss of benefits in the failure of the respondents pay the outstanding 4 days annual leave at a daily rate of 59.87 plus
  - 3.3 £400 for the claimant's loss of statutory rights plus
  - 3.4 £ 183.78 to compensate the claimant for the lack of pension contribution from termination of employment until re-enrolment of 18 weeks at £ 10.21

Giving a total amount that the respondent is ordered to pay to the claimant of

£ 14093.75

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Employment Judge Aspinall

Date 14 April 2021

JUDGMENT SENT TO THE PARTIES ON

21 April 2021

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2409188/2020**

Name of case: **Mrs C Wignall** v **5 Star Food And Wine Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: **21 April 2021**

"the calculation day" is: **22 April 2021**

"the stipulated rate of interest" is: **8%**

For and on Behalf of the Secretary of the Tribunals