

**IN THE EMPLOYMENT TRIBUNAL**

**Claim No. 34/2024**

**BETWEEN:**

**JUAN JOSE BENITEZ NUNEZ**

**Claimant**

**-AND-**

**CIAP CONSTRUCTION LIMITED**

**Respondent**

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**AWARDS JUDGMENT**  
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1. The Claimant's Claim Form was sent to the Respondent together with the prescribed Response Form on 18 November 2024, pursuant to Rule 13 of the Employment Tribunal (Constitution and Procedure) Rules 2016 (**the Rules**).
2. The Respondent did not present a Response within 21 days of 18 November 2024, nor did it make an Application for an extension of time for presenting the Response.
3. I issued a Rule 21 Judgment dated 17 December 2024 holding that on the available material, the Claim succeeded and an Award of compensation would be made, further to an Awards case management directions order and Hearing; and that the Respondent would be entitled to notice of Hearings and Decisions of the Tribunal but, unless and until an extension of time was granted, would only be entitled to participate in any Hearing to the extent permitted by the Chairperson.
4. The Claimant filed a Schedule of Loss and supporting documentation.
5. The Awards Hearing took place on 18 March 2025. The Claimant was unrepresented and gave oral evidence in response to questions I put to him, with interpreting assistance from Mr James Grant of the Citizens Advice Bureau. The Respondent's directors, Ms Louise Jimenez and Ms Valerie Viagas, attended the Hearing and I permitted them to make submissions at the end of the Hearing, but not to cross-examine.
6. **THE RESPONDENT IS HEREBY ORDERED** to pay to the Claimant the total sum of **£31,967.08** in respect of his Claim for Constructive Unfair Dismissal and his Contract Claim. The Schedule attached hereto sets out the calculation of the sum awarded pursuant to the Employment Tribunal (Calculation of Compensation) Regulations 2016 and the Employment Tribunal (Extension of Jurisdiction) Order 2016.

***Gabrielle O'Hagan***

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**Chairperson Gabrielle O'Hagan**

Date: 3 April 2025

## SCHEDULE

### REMEDY CALCULATION

#### Employment Details

Date of commencement of employment	06/05/2004
Effective Date of Termination	10/10/2024
Period of continuous service	20 years
Date of birth	17/07/1976
Age at Effective Date of Termination (ETD)	48
Awards Hearing date	18/03/2025
Statutory notice period	3 months
Gross weekly pay at EDT	£399.80
Net weekly pay at EDT	£355.54
Weekly minimum wage	£347.10
Periods of new employment	05/11/2024-date
Average current net weekly pay in new employment	£269.13

#### Constructive Unfair Dismissal Basic Award

Number of qualifying years = 20	
7 X 3 X weekly minimum wage (aged not below 41)	£7,289.10
13 X 2 X weekly minimum wage (aged not below 22)	£9,024.60

#### Constructive Unfair Dismissal Compensatory Award

Loss of net weekly pay from 11 October 2024 to 5 November 2024	
Number of weeks = 3 x net weekly pay (£355.54)	£1,066.62
Difference in net weekly pay (£86.41) from 5 November 2024 to 18 March 2025 (19 weeks)	£1,641.79
Future loss: assessed at 82 (weeks) X difference in net weekly pay (£86.41)	£7,085.62

#### Contractual Claim

Unpaid wages at EDT, including statutory sick pay	£5,359.35
Compensation for loss of statutory rights	£500.00

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#### TOTAL COMPENSATION

**£31,967.08**