

IN THE EMPLOYMENT TRIBUNAL

Claim No. 32/2025

BETWEEN:

FERNANDO ZAMBRANA GONZALEZ

Claimant

-AND-

THE COSTA ASSOCIATES LIMITED

Respondent

JUDGMENT

The Claimant filed a Claim Form on 9 June 2025 claiming unfair dismissal, a redundancy payment, arrears of notice pay, arrears of holiday pay and breach of employment contract.

The Claim was rejected under Rule 12(1)(c) of the Employment Tribunal (Constitution and Procedure) Rules 2016 (**the Rules**) on the ground that it was not made within the relevant time period. The Claimant applied for re-consideration under Rule 14, which was not opposed by the Respondent, and the Claim was accepted in full on 1 July 2025.

Pursuant to Rule 13, the accepted Claim was sent to the Respondent together with the prescribed Response Form on 3 July 2025, by post to the Respondent's registered office address and by post to the Respondent's director, Mr Alexander Louis Dotto, at his residential address.

The Respondent's company secretary informed the Tribunal that it had resigned because it had lost contact with Mr Dotto. However, there is no reason to believe that the Respondent did not receive the Acceptance of Claim Form documentation sent to Mr Dotto, the Respondent's director, by post on 3 July 2025.

The Respondent has not presented the Response within 21 days of 3 July 2025 or at all, nor made an Application for an extension of time for presenting the Response.

Pursuant to Rule 21, **I FIND THAT** on the available material (the Claim Form, a written statement by the Claimant and a communication from the Labour Inspector in support of the Claim), I am able to determine the Claim as follows:-

1. There is no material before me establishing a 'relevant claim' under the Employment Tribunal (Extension Of Jurisdiction) Order 2016 for breach of employment contract.

2. The grounds for the Claimant's Claim for Unfair Dismissal are well-founded and this Claim succeeds.
3. Pursuant to Section 70(3) of the Employment Act, **THE CLAIMANT IS HEREBY AWARDED AND THE RESPONDENT IS HEREBY ORDERED TO PAY TO THE CLAIMANT** in respect of his Unfair Dismissal the sum of **£26,805.82**, within 21 days of the date of this Judgment (under Rule 56).
4. The Schedule attached hereto sets out the calculation of the sum awarded pursuant to the Employment Tribunal (Calculation of Compensation) Regulations 2016 (**the Regulations**).

Gabrielle O'Hagan

Chairperson Gabrielle O'Hagan

Date: 6 August 2025

SCHEDULE

AWARD CALCULATION

Employment Details

Date of commencement of employment	25/01/2002
Effective Date of Termination (EDT)	31/10/2023
Period of continuous service	21 years
Date of birth	24/04/1966
Age at EDT	57
Statutory notice period	3 months
Gross monthly pay at EDT	£1,625.00
Gross weekly pay at EDT	£375.00
Net weekly pay at EDT	£312.14
Weekly minimum wage	£370.50
Date of commencement of new employment with equivalent pay	21/12/2023
Gross monthly pay from new employment	£1,625.00

Statutory redundancy pay **£19,500.00**

Unfair Dismissal Basic Award (Regulations 1 and 2)

Number of qualifying years = 20	
16 X 3 X weekly minimum wage (aged not below 41)	£17,784.00
4 X 2 X weekly minimum wage (aged not below 22)	£2,964.00
LESS Statutory redundancy pay	<u>(£19,500.00)</u>
	£1,248.00

Unfair Dismissal Compensatory Award (Regulation 3)

3 months' statutory notice pay	
01/11/2023-31/01/2024	£4,057.82
Loss of net weekly pay from 01/02/2024	Nil
Accrued holiday pay	<u>£1,500.00</u>
	£5,557.82

Compensation for loss of statutory rights **£500.00**

TOTAL AWARD	£26,805.82
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