



SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE K ANDREWS
MEMBERS: Mrs T Bryant
Ms S Khawaja

BETWEEN:

Mr N Hachem

Claimant

and

Open Circle Ltd
t/a Meza Restaurant

Respondent

ON: 9 May 2017

Appearances:

For the Claimant: In person

For the Respondent: Mr D Salbashian

JUDGMENT ON REMEDY HEARING

The Judgment of the Tribunal is that:-

1. The respondent is ordered to pay compensation to the claimant payable forthwith and calculated as follows:

Basic Award	£2,307.60
Compensatory Award	
Loss of earnings 1.1.16-31.1.16	£1,846.12
Loss of earnings 1.2.16-6.4.16 (reflecting failure to mitigate)	<u>£1,381.48</u>
Total loss (gross)	£3,227.60
Reduced by 20% to reflect net position	<u>£2,582.08</u>
	£4,889.68
Loss of statutory rights	<u>£ 400</u>

	£5,289.68
Uplifted by 10% (ACAS)	<u>£ 528.96</u> £5,818.65
Add 2 weeks' net pay (lack of particulars)	<u>£ 746.50</u> £6,565.15
Reduced by 60% (contributory fault)	<u>(£3,939.09)</u>
TOTAL PAYABLE	£2,626.06

2. The claimant is ordered to pay costs, payable forthwith, to the respondent in the total sum of £136 (4 hrs @ £34ph) in respect of Mr Salbashian's preparation time unnecessarily incurred due to the unreasonable behaviour of the claimant and/or his representative.
3. The Recoupment Regulations apply to this award and the following details are given as required by the Regulations.

- (a) Monetary award: £2,626.06
- (b) Prescribed element £2,582.08
- (c) Prescribed period: 31.12.15 – 9.5.17
- (d) Monetary award exceeds prescribed element by £43.98

Employment Judge Andrews
Date: 9 May 2017

Note

Reasons for the judgment and costs order 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

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Jobseeker's Allowance and Income Support

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any Jobseeker's Allowance or Income Support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.