



EMPLOYMENT TRIBUNALS

Claimant: Mr I Martland

Respondent: D W Lynn Limited

HELD AT: Manchester

ON:

23 May 2017

BEFORE: Employment Judge Barker

REPRESENTATION:

Claimant: Mr A Mellis, Counsel

Respondent: Mr R Rees, Consultant

JUDGMENT ON REMEDY

The decision of the Tribunal is that the compensation to be paid by the respondent to the claimant is £14,459.88. This sum is subject to recoupment, the elements of which are identified below. The award made to the claimant is comprised of the following:

1. A basic award for unfair dismissal of £4,559.88. This figure was agreed by the parties.
2. A compensatory award for unfair dismissal of £9,460. This covers a period of 52 weeks from the date of the dismissal of 26 July 2016 to 26 July 2017. This is made up of:
 - a. Immediate loss of earnings from the date of dismissal to the date of the hearing at a net weekly salary of £220 for a period of 43 weeks is £9,460. The claimant has earned in mitigation over that period £1,760, therefore his immediate losses from the date of dismissal to the date of the hearing are £7,700;
 - b. Future loss of earnings, which will run for a further nine weeks from the date of this hearing at a rate of £220, giving future losses of £1,980. It is estimated that the claimant will earn £720 during that period therefore future losses to be paid by the respondent are £1,260; and

c. A sum for loss of statutory rights of £500. This figure was agreed by the parties.

3. The respondent is also to pay to the claimant a sum of two weeks' wages for its failure as set out in the liability judgment to provide the claimant with a full statement under section 1 of the Employment Rights Act 1996. The respondent is to pay a further £440 to the claimant in this regard.

4. The respondent's representative requested at the conclusion of the hearing that full written reasons be provided. These will be provided to the parties in due course.

5. The award is subject to the Recoupment Regulations which allow the recovery from the respondent of Employment Support Allowance paid to the claimant. The recoupment information is as follows

Recoupment

| | |
|--------------------------------------------------|----------------------------------|
| a. Grand total | £14,459.88 |
| b. Prescribed element | £7,700 |
| c. Period of prescribed element: | from 27 July 2016 to 23 May 2017 |
| d. Excess of grand total over prescribed element | £6759.88 |

Employment Judge Barker
12 June 2017

JUDGMENT SENT TO THE PARTIES ON

16 June 2017

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2402848/2016

Name of Mr I Martland v D W Lynn Limited
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision 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 decision day" is: 16 June 2017

"the calculation day" is: **17 June 2017**

"the stipulated rate of interest" is: 8%

MISS K MCDONAGH
For the Employment Tribunal Office