



EMPLOYMENT TRIBUNALS

Claimant: Mr D Turley

Respondent: Royal Mail Group Limited

Heard at: Carlisle

On: 23 October 2017

Before: Employment Judge Holmes

Representation:

Claimant: Mr M Kingston, lay representative

Respondent: Mr D Summers, non – practising Counsel

JUDGMENT ON REMEDY

It is the judgment of the tribunal that:

1. It would not be practicable for the respondent to comply with an order to reinstate or re-engage the claimant, and the tribunal declines to exercise its discretion to award the claimant this remedy.

2. The claimant is entitled to compensation for unfair dismissal and the tribunal awards him the following agreed sums:

Basic Award	£6,095.04
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Compensatory Award	£22,638.72
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3. The recoupment regulations apply. The prescribed element is £17,403.94, being the claimant's loss of earnings from the date of his dismissal to the date of hearing (74 weeks at £343.93 , £25,450.82 ,less £8,046.88 earned in mitigation), and the period is from 23 May 2016 to 23 October 2017. Given that the tribunal has applied the statutory cap of 52 weeks' pay at £435.36 , £22,638.72, but the loss of earnings awarded is below that figure, there is no requirement for any pro – rata reduction pursuant to Reg.4(2). Accordingly:

The total monetary award is	£28,733.76
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Prescribed element	£17,403.94
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Period to which the prescribed element relates	23 May 2016 to 23 October 2017
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Amount by which the monetary award exceeds the prescribed element **£11,329.82**

Employment Judge Holmes

Dated : 24 October 2017

JUDGMENT SENT TO THE PARTIES
ON
27 October 2017

FOR THE TRIBUNAL OFFICE

Note

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2402919/2016

Name of case: Mr D Turley v Royal Mail Group Ltd

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: 27 October 2017

"the calculation day" is: 28 October 2017

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office