



EMPLOYMENT TRIBUNALS

Claimant: Mr J Whiting
Respondent: JRI Orthopaedics Limited

Employment Tribunals Rules of Procedure 2013: rules 70, 71 and 72

Upon reconsideration of the Judgment given at a Remedy Hearing heard on 18th
December 2017:

JUDGMENT

1. It is necessary in the interests of justice to reconsider the Remedy Judgment in this case.
2. The Judgment is varied so as to increase the total compensatory award from £57,046.33 to £60,457.76

REASONS

1. When the decision on remedy was given orally at the hearing the amount of compensation did not take account of the incidence of taxation on awards over £30,000.
2. This omission was acknowledged in the written Judgement sent out the following day (19th December 2017) and liberty was given to apply for reconsideration if necessary.
3. The Claimant did apply for reconsideration by letter dated 29th December 2017.
4. The Respondent resisted that application by reply dated 2nd January 2018.
5. On 22nd January 2018 I ordered that there was a reasonable prospect of the decision being varied and therefore the application would, in the interests of justice, not be refused and that it could be determined without a hearing.
6. The parties were directed to make any further written representations by 30th January 2018. Only the Claimant has responded.
7. It is in the interests of justice that the award be “grossed up” so that the Claimant still receives, after taxation, the sum of £57,046.33 which I had intended him to receive as compensation for his unfair dismissal.

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8. I accept the Claimant's figures. Deducting from the £57,046.33 the sum of £1900.60 which is due under the recoupment provisions and taking into account the Claimant's personal tax allowance of £11,500.00 the amount over and above £30,000.00 which is liable to taxation is £13,645.73. At a basic rate of tax of 20 per cent the sum to which that figure must be grossed up to result that same amount net is £17,057.16. Applying that increase of £3411.43 to the total compensatory award of £57,046.33 gives the revised figure of £60,457.76. This is still within the statutory cap and so does not need to be reduced.

EMPLOYMENT JUDGE LANCASTER

DATE 31st January 2018