



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr A Duerdin  
Mrs S Duerdin  
**Respondent:** R & M Gaskarth

**HELD AT:** Manchester **ON:** 13 and 14 March 2018  
**BEFORE:** Employment Judge Horne

## REPRESENTATION:

**Claimant:** Mr B Henry, counsel  
**Respondent:** Mr J Thornhill, solicitor

# JUDGMENT

1. The claimants were unfairly constructively dismissed.
2. The respondent is ordered to pay Mrs Duerdin a basic award of £9,988.20. She does not seek a compensatory award.
3. The tribunal is satisfied that the requirements of regulation 4 of the Employment Protection (Recoupment of Jobseeker's Allowance etc) Regulations 1996 do not apply to Mrs Duerdin.
4. It is just and equitable to reduce Mr Duerdin's compensatory award to reflect the tribunal's finding that, had the respondent not constructively dismissed him,
  - 4.1. Mr Duerdin would have remained in employment for 6 months beyond the effective date of termination; and
  - 4.2. there is a 50% chance that he would have been fairly dismissed 6 months after the effective date of termination.

5. The respondent is ordered to pay Mr Duerdin basic award of £8,820.26 and a compensatory award of £14,648.95.
6. The prescribed element of Mr Duerdin's compensatory award is £14,648.95.
7. The period to which the prescribed element is attributable is from 9 July 2017 until 14 March 2018.
8. The amount by which Mr Duerdin's total award exceeds the prescribed element is £8,820.26.

Employment Judge Horne

15 March 2018

SENT TO THE PARTIES ON

23 March 2018

FOR THE TRIBUNAL OFFICE

Note – reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment was sent to the parties. If written reasons are provided, they will be displayed on the tribunal's website.



Case No.  
2404142/2017  
and 2404144/2017

## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2404142/2017 & 2404144/2017

Name of Mr A Duerdin v R & M Gaskarth  
case(s): Mrs S Duerdin

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: 23 March 2018

"the calculation day" is: **24 March 2018**

"the stipulated rate of interest" is: 8%

MR I STOCKTON  
For the Employment Tribunal Office