



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mrs M Skelcher

AND

Respondent

Mrs Patricia Bal trading as Fayre' N' Square

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Bodmin

ON

25 October 2018

EMPLOYMENT JUDGE N J Roper

Representation

For the Claimant: In person

For the Respondent: (No appearance entered) Did Not Attend

JUDGMENT ON REMEDY

The judgment of the tribunal is that:

1. The respondent is ordered to pay the claimant compensation for unfair dismissal in the sum of £9,561.00; and
2. The Recoupment Regulations do not apply; and
3. The respondent is ordered to pay the claimant damages for wrongful dismissal (breach of contract) in the sum of £1,896.00.

RESERVED REASONS

1. This is the judgment on remedy following judgment on liability which was entered under Rule 21 on 20 June 2018. The claimant was successful in her claim for unfair dismissal and in her claim for breach of contract/wrongful dismissal in respect of her lost notice period.
2. I have heard from the claimant. The respondent did not enter a notice of appearance and did not attend today.
3. I deal first with the remedy for unfair dismissal. The claimant does not seek re-engagement or reinstatement. The claimant seeks compensation.
4. The claimant was born on 4 August 1963. She commenced employment in September 2004 and was dismissed on 7 December 2017. She was employed as a shop assistant in Probus in Cornwall. At the time of her dismissal she was aged 54. In April 2017 her hours were increased to 20 hours a week and the claimant's weekly pay both gross and net was

- £158.00 (her pay for the last twelve weeks of her employment was £1,896.00). She did not claim any State Benefits following her dismissal. She became unwell as a result of her dismissal and was unable to work until March 2018 when she started a part-time cleaning job which pays £24.00 per week.
5. At the time of her dismissal the claimant was aged 54 and had completed 13 complete years of employment. Her gross weekly pay was £158.00. Her basic award is therefore £3,081.00 (19.5 x £158.00).
 6. I now turn to the compensatory award. In the first place I award two weeks' pay in the sum of £316.00 for loss of statutory rights. I award no loss for the first 12 weeks following dismissal because that is recovered under the claim for wrongful dismissal dealt with below. The claimant suffered loss of pay as a result of her unfair dismissal with effect from 2 March 2018. From this date until the hearing today is a period of 34 weeks. Her net weekly pay was £158.00 per week, but she also obtained alternative employment in the sum of £24.00 per week. During this period her net loss was therefore £134.00 per week for 34 weeks. Her net loss to the date of this hearing is therefore £4,556.00.
 7. I now turn to future loss of earnings. The claimant accepts that she ought to be able to find alternative employment such as to meet or exceed her previous earnings within a period of 12 weeks from the date of this hearing. I agree that this is a reasonable period. I therefore award future loss, but limited to 12 weeks' pay at the ongoing differential rate of £134.00 per week, or £1,608.00.
 8. Total compensation for unfair dismissal is therefore £9,561.00, being a basic award of £3,081.00, and a compensatory award of (£316.00 + £4,556.00 + £1,608.00) or £6,480.00.
 9. In my judgment it is just and equitable to award this sum.
 10. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ("the Recoupment Regulations") do not apply in this case.
 11. I now turn to the claim for wrongful dismissal. The claimant was entitled to 12 weeks' statutory notice. She did not receive any pay in lieu of notice and did not receive any alternative earnings during her notice period because of her illness following dismissal. I therefore award the claimant the sum of 12 weeks' net pay at the rate of £158.00 per week being £1,896.00.

Employment Judge N J Roper

Dated 25 October 2018



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Employment Judge N J Roper

Dated 25 October 2018