



# EMPLOYMENT TRIBUNALS

**Claimant** Mr R Henry - Donahue

**Respondent** Delex Logistics Limited

**Heard at:** Exeter

**On:** 6 July 2018

**Before:**  
**Employment Judge** Goraj

**Representation**

**Claimant:** in person (supported by Mr P Parsons)

**The Respondents:** no response entered and did not attend

## REMEDY JUDGMENT PURSUANT TO THE RULE 21 JUDGMENT DATED 11 APRIL 2018

**The JUDGMENT of the tribunal is that: -**

1. The Claimant is awarded and the Respondent is ordered to pay to the Claimant, the sum of £2,625 gross to the Claimant in respect of the Respondent's unlawful deductions from his pay as set out in the Schedule below.
2. The Claimant is awarded and the Respondent is ordered to pay to the Claimant, the sum of £4,453.13 in respect of his unfair dismissal as set out in the Schedule below.

3. The Claimant is awarded and the Respondent is ordered to pay to the Claimant a further sum of £375 pursuant to section 38 of the Employment Act 2002 in respect of the Respondent's failure to issue the Claimant with a statement of particulars (2 week's pay x £187.50 gross per week) as required by section 1 of the Employment Rights Act 1996.
4. The total sum awarded to the Claimant in respect of his complaints of unfair dismissal and unlawful deductions from pay is therefore **£7,453.13** (£2,625 plus £4,828.13).
5. Determination of remedy in respect of the Claimant's claim for disability discrimination is adjourned to 7 September 2018.
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply in this case.

### **THE SCHEDULE**

#### **The unlawful deductions from wages claim**

1. The award of £2,625 is calculated as follows:-
  - (1) Outstanding wages for the last 2 weeks in July 2017 in the sum of £375 = 2 x £187.50 gross weekly pay ( 25 hours per week x £7.50 per hour).
  - (2) Outstanding wages for 4 weeks in August 2017 = £750 (4 x £187.50).
  - (3) Outstanding wages for 8 week period of unpaid suspension from work during September and October 2017 = £1,500 (8 x £187.50).

#### **The complaint of unfair dismissal (for asserting a statutory right)**

2. The award is calculated as follows:-
  - (1) Compensatory award – loss of earnings between 27 October 2017 and 8 March 2018 = £3,562.50 (19 weeks x gross weekly pay of £187.50).
  - (2) Uplift of 25% (of £3,562.50) in the sum of £890.63 pursuant to section 207 A of the Trade Union & Labour Relations (Consolidation) Act 1992 (giving a total award of £4,453.13).

#### **The award pursuant to section 38 of the Employment Act 2002**

3. 2 weeks x gross weekly pay of £187.50= £375.

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Employment Judge Goraj

Date: 13 July 2018

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.