



EMPLOYMENT TRIBUNALS

Claimants: Mr Nathaniel Mdhluli

Respondent: Bills Restaurants Limited

Before: Employment Judge A M Buchanan

Heard at: North Shields

Date: 16 November 2017

Appearances:

Claimant: In person

Respondent: No response entered and no attendance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

It is the Judgment of the Tribunal that:

1. The respondent is ordered to pay forthwith to the claimant £2579.97p compensation for unfair dismissal.
2. The Employment Protection (Recoupment of Benefits Regulations 1996) do not apply to this award.

REASONS

1. The claimant was awarded a Judgment under Rule 21 on 7 November 2017 in respect of unfair dismissal.
2. A Remedy Hearing was directed and came before me this morning.
3. I heard evidence from the claimant who expressed a wish to receive the remedy of compensation.
4. I calculate that the claimant is entitled to a basic award of compensation calculated in accordance with the provisions of section 119 of the Employment Rights Act 1996 ("the 1996 Act") in the sum of £996.90 being his gross weekly wage at dismissal of £332.30 multiplied by 3 as he had

completed three full years' service with the respondent when dismissed on 15 August 2017.

5. I calculated the compensatory award in accordance with section 123 of the 1996 Act. The claimant found other work on 11 September 2017 and there is no ongoing loss. I award 4 weeks net pay in the sum of £1107.68 being £276.92 weekly net pay from the respondent at dismissal multiplied by four. In addition I award £350 for loss of statutory rights and £50 for the expenses of seeking alternative employment. That gives a compensatory award of £1507.68.

6. I accept that the claimant was offered the right of appeal against the decision to dismiss and that he attended an appeal hearing at the end of August 2017. I accept that the claimant has still not received any written outcome of that appeal hearing. That is a breach of paragraph 29 of the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015. Pursuant to the provisions of section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 I increase the compensatory award by 5% to reflect that breach. The increase amounts to £75.39. That gives a total compensatory award of £1583.07.

7. The total award of compensation is:

Basic Award	£ 996.90
Compensatory award	<u>£1583.07</u>
Grand Total	<u>£2579.97</u>

8. The claimant did not receive any state benefits in the period between his dismissal and beginning his new employment and therefore the Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.

Employment Judge A M Buchanan

Date: 16 November 2017