



EMPLOYMENT TRIBUNALS

Claimant: Mr A Weir

Respondent: Gordon Building Services Ltd

HELD AT: Carlisle

ON: 22 January 2018

BEFORE: Employment Judge Tom Ryan
Ms C Bowman
Mr C Cunningham

REPRESENTATION:

Claimant: In person

Respondent: Ms K Jeram, Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. By virtue of the respondent's failure to comply with the order of Employment Judge Holmes sent to the parties on 4 August 2017 the response was struck out on 1 September 2017.
2. By consent, the respondent's application for reconsideration and revocation of that order so as to permit the respondent to contest the issue of remedy is granted.
3. By consent, the claim is amended so as to enable the claimant to pursue a complaint in respect of unpaid wages in respect of a lying on week's pay. The complaint was not contested.
4. Upon the respondent's concession, the complaints of unfair dismissal and discrimination because of something arising in consequence of disability are well-founded.

Remedy

Unpaid Wages

5. The respondent is ordered to pay the claimant, in respect of his lying on week the net sum of £330.70.

Unfair dismissal

6. The respondent is ordered to pay the claimant compensation front dismissal calculated as follows:

Basic Award	4 weeks at £400 gross	£1,600.00
Compensatory Award	5 weeks at £330.70 net	1,653.50
	Loss of statutory rights	<u>350.00</u>
		2,003.50
	Uplift for breach of provisions of ACAS Code at 15%	<u>300.49</u>
	Total award for unfair dismissal	£3,903.99

7. The provisions of the Employment Protection (Recoupment of Benefits) Regulations 1996 ("the Recoupment Regulations") apply to the award for unfair dismissal. The tribunal states as follows:

The monetary award grand total is £3,903.99

The prescribed element is £1,653.50

The period of the prescribed element is 9 February 2017 to 22 January 2018

The excess of the grand total over the prescribed element is £2,250.69.

Disability Discrimination

8. The respondent is ordered to pay the claimant compensation for disability discrimination calculated as follows:

Injury to feelings assessed at	£4250.00
Interest at 8% (for a period of 50 weeks)	<u>325.00</u>
Total award for disability discrimination	£4,775.00

Employment Judge Tom Ryan

Date 23 January 2018

JUDGMENT SENT TO THE PARTIES ON
31 January 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2402791/2017

Name of case(s): Mr A Weir v Gordon Building Services Limited

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: 31 January 2018

"the calculation day" is: **1 February 2018**

"the stipulated rate of interest" is: 8%

MISS L HUNTER
For the Employment Tribunal Office

