



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Howell Christie  
**Respondent:** Tai Tarian  
**Heard at:** Swansea Magistrates Court   **On:** 15<sup>th</sup> January 2019  
**Before:** Employment Judge Howden-Evans (sitting alone)  
**Representation**  
**Claimant:** Mr Pollitt, Counsel  
**Respondent:** Mr Probert, Counsel

## JUDGMENT

Having heard evidence on oath from Mr Christie and having heard submissions from both counsel, the employment judge's decision is:

1. Mr Christie is awarded damages for wrongful dismissal of £3,760.20.
2. Mr Christie is awarded compensation for unfair dismissal of £26,726.32
3. The total amount owed by the Respondent to Mr Christie is **£30,486.52.**
4. In the event of this debt not being paid within 14 days of this judgment, interest will accrue on this debt, at a rate of 8% per annum, on any amount that remains outstanding. If the full amount remains outstanding, it will accrue interest at a rate of £6.68 per day.

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Employment Judge Howden-Evans  
Date 4<sup>th</sup> February 2019

JUDGMENT SENT TO THE PARTIES ON

.....9 February 2019.....

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FOR THE TRIBUNAL OFFICE

**Calculations**

Mr Christie was 58 at date of dismissal and had 14 years' continuous service with the Respondent. The Effective Date of Dismissal was 22<sup>nd</sup> September 2017. It is agreed his net weekly pay with the Respondent was £349.90 per week. Since 8<sup>th</sup> November 2018, Mr Christie has been in steady employment, earning £321.24 net weekly pay.

**Wrongful dismissal**

12 weeks' notice pay – [period 22.9.17 to 15.12.17]	
Agreed net pay is £349.90 per week	4,198.80
To be deducted from that is income received during those weeks	(438.60)
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<b><u>Total Award for Wrongful Dismissal</u></b>	<b><u>£3,760.20</u></b>

**Unfair dismissal**

Parties are agreed correct Unfair Dismissal Basic Award is **£9,699.90**

Compensatory Award  
Loss of Earnings

**Loss from 16.12.17 to 2.2.18**

Loss of earnings from end of wrongful dismissal period ie from 16<sup>th</sup> December 2017

Due to being on sick leave and continuing to be sick until 2<sup>nd</sup> February 2018. Mr Christie's loss of earnings was

16.12.17 to 27.12.17 = 1.5 weeks of full net pay	£524.85
28.12.17 to 2.2.18 = 5 weeks of ½ net pay (£174.95)	£874.75
	£1,399.60

Less benefits income (non-recoupable) received during this period	(292.40)
	<b>£1,107.20</b>

**Loss from 2.2.18 to 15.1.19 (date of remedy hearing)**

49.5 weeks at £349.90	£17,320.05
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Less sums earned in alternative employment in Feb / March 2018	(£409.99)
Less benefits income (non-recoupable)	(£344.63)

Less sums earned in new employment 8 <sup>th</sup> Nov 2018 to 15 <sup>th</sup> Jan 2019	
9.5 weeks of £321.24 net weekly pay	(3051.78)
	<b><u>£13,513.65</u></b>

Total awarded for Loss of Earnings up to Remedy Hearing	<b><u>£14,620.85</u></b>
<u>Future Loss of Earnings (ie beyond the Remedy Hearing)</u>	

£24,019 gross per annum with Respondent - £21,840 gross in current employment = £2,179 per annum gross difference in earnings.

Less 30% for tax NI =£1,525.30 difference in net annual earnings.

Expect it will take Mr Christie 6 months from date of remedy hearing to earn a similar income to that he enjoyed with the Respondent.

Future loss of earnings, ½ year of £1,525.30 =	<b>£762.65</b>
Plus pension loss agreed at	<b>£1,142.92</b>
Plus loss of statutory rights agreed at	<b>£500.00</b>
Total for Compensatory Award =	<b><u>£17,026.42</u></b>
<b><u>Total Compensation for Unfair Dismissal</u></b>	<b><u>£26,726.32</u></b>