



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Mr P Butler

Honest Employment Law Practice Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham **ON** 4, 5, 6 and 7 February 2019

EMPLOYMENT JUDGE Dimbylow

Representation

For the claimant: Dr M Ahmad, Counsel

For the respondent: Mr K Milford, Employment Law Consultant

JUDGMENT

1.The claimant was unfairly dismissed. I order the respondent to pay compensation to the claimant in the sum of £32,013.53. Recoupment of benefits does not apply. The compensation is calculated as follows:

- Basic award = £3,423.00
- Compensatory award: (1) loss of earnings £25,141.60, and (2) loss of pension contributions £395.25 = £25,536.85
- Loss of statutory employment rights = £500.00
- For the respondent's breach of the ACAS Code of Practice I uplift the compensatory award by 10% which amounts to the additional sum of £2,553.68.

2.The claimant's claim for damages for failure by the respondent to give notice or payment in lieu thereof is well-founded and succeeds. I make no award of damages for breach of contract as it would have been a duplication of the award I made for compensation for unfair dismissal.

3.The respondent's counterclaim for damages against the claimant is not well-founded, fails and is dismissed.

Employment Judge Dimbylow
12 February 2019

Note: Reasons for the judgement having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.