



EMPLOYMENT TRIBUNALS

Claimant: Mr B Jayeoba

Respondent: Four Seasons Health Care Limited

HELD AT: Manchester

ON: 28 February 2019

BEFORE: Employment Judge Horne

Members: Mrs P J Byrne
Ms B Hillon

REPRESENTATION:

Claimant: Mr L Fakunle, solicitor

Respondent: Mr L Ashwood, solicitor

The unanimous judgment of the tribunal is as follows:

JUDGMENT

1. As compensation for unfair dismissal, the respondent is ordered to pay the claimant:
 - 1.1 a basic award of £735.00; and
 - 1.2 a compensatory award of £1,165.00.
2. The respondent made an unlawful deduction from the claimant's holiday pay and is ordered to pay the claimant £260.97 subject to such deductions as it is entitled to make for tax and national insurance.
3. The claim for damages for breach of contract is dismissed on the ground that, if the dismissal was in breach of contract, the claimant has suffered no loss because he is fully compensated by the compensatory award for unfair dismissal.

4. Under rule 75(1)(c) and rule 76(5) of the Employment Tribunal Rules of Procedure 2013, the respondent is ordered to pay the claimant the sum of £40.00.
5. The claimant's request for an order for payment of "disbursements" consisting of the travel expenses of Mr Fakunle is refused.
6. The tribunal has no power to make any adjustment to the claimant's award under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 because the respondent did not breach the ACAS Code of Practice in relation to the claimant's grievance.
7. The tribunal being satisfied that the claimant did not receive any relevant benefits during the period to which the prescribed element relates, regulation 7, paragraphs (3) to (7), of the Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

28 February 2019

Employment Judge Horne

SENT TO THE PARTIES ON

6 March 2019

FOR THE TRIBUNAL OFFICE

Note – reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which the judgment is sent to the parties. If written reasons are provided, they will be displayed on the tribunal's website.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2404242/2017**

Name of **Mr B Jayeoba** v **Four Seasons Health Care Limited**
case(s):

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: **6 March 2019**

"the calculation day" is: **7 March 2019**

"the stipulated rate of interest" is: **8%**

MR J HANSON
For the Employment Tribunal Office