



EMPLOYMENT TRIBUNALS

Claimant Mr T Baker

Respondent Angel Care Agency Limited

Heard at: Bodmin

On: 18 March 2019

Before:

Employment Judge Goraj

Representation

Claimant: in person

The Respondent: Did not attend

JUDGMENT

The JUDGMENT of the tribunal is that: -

1. The Claimant was wrongfully dismissed by the Respondent in breach of contract and the Respondent is therefore ordered to pay to the Claimant damages for 2 weeks' net notice in the sum of £550 (2 X £275 net salary per week).
2. The Claimant was unfairly dismissed by the Respondent and the Claimant is awarded a total monetary award of £12,210 which the Respondent is ordered to pay to the Claimant as calculated in the below Schedule.
3. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the unfair dismissal award in this case. For the purposes of such Regulations the total monetary award is £12,210, the amount of the prescribed element is £9,625, the dates to which the prescribed element is attributable are from 5 March 2018 to 6 November 2018 and the monetary award exceeds the prescribed element by £2,585.

THE SCHEDULE

1. Basic Award

2 weeks x £300 gross salary per week (40 hours x £7.50 per hour) = £600.

2. Compensatory Award

- (1) Loss of earnings between 5 March 2018 (after period of damages award for notice) and 6 November 2018 (35 weeks x £275 net week = £9,625.
- (2) Loss of statutory rights - £550.
- (3) Uplift of 20 % pursuant to 207 A of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of failure to respond to the appeal (£9,625 +£550 = £10,175 plus 20% (£2,035) = £12,210.

Employment Judge Goraj
Date: 18 March 2019

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.

Online publication of judgments and reasons

The Employment Tribunal (ET) is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and reasons since February 2017 are now available at: <https://www.gov.uk/employment-tribunal-decisions>
The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness.