



EMPLOYMENT TRIBUNALS

Claimant: Mr K Martin

Respondent: 8Point3 Limited (In Creditors' Voluntary Liquidation)

Heard at: Ashford

On: 1 February 2018

Before: Employment Judge John Crosfill

Representation

Claimant: In Person

Respondent: No appearance or representation

JUDGMENT

1. The Claimant's claims under the Equality Act 2010 are dismissed upon withdrawal by the Claimant.
2. The Respondent is ordered to pay the Claimant a statutory redundancy payment of £1437.00 pursuant to Part XI of the Employment Rights Act 1996 calculated according to the schedule below.
3. The Claimant is awarded the following in respect of his claim for unfair dismissal brought under Part X of the Employment Rights Act 1996:
 - a. A basic award pursuant to Section 119 of the Employment Rights Act 1996 reduced to nil by reason of the order that the Respondent do pay a redundancy payment.
 - b. A compensatory award of £42,000 pursuant to Section 123 of the Employment Rights Act 1996 calculated in accordance with the Schedule set out below.
4. The Respondent is ordered to pay the Claimant the sum of £42,000 in respect of his claim for unfair dismissal.
5. Accordingly, the total sum ordered under paragraphs 2 and 4 is £43,437.00
6. The tribunal being satisfied that in respect of each day falling within the period to which the prescribed element relates the employee has neither received nor claimed jobseeker's allowance or income support the Employment Protection (Recoupment of Jobseeker's Allowance and

Income Support) Regulations 1996 do not apply to the awards above.

Schedule

Redundancy payment/basic award

The Claimant had 2 years continuous service during which he was over the age of 4.

The Claimant's weekly gross pay exceeded the statutory cap of £479.

Redundancy payment = $2 \times 1.5 \times £479 = £1,437.00$

Unfair Dismissal – Compensatory Award pursuant to Section 123 of the Employment Rights Act 1996

The Claimant had not failed to mitigate any loss.

The Claimant's monthly net pay was £2644.04

The Claimant was paid for November 2016 up to 1 December 2016.

The loss to the date of the tribunal hearing = $14 \text{ months} \times £2,644.04 = £37016.56$

The Tribunal found that the loss would continue for 2 months at the present rate and thereafter at a reduced rate of 20% for a further 6 months = $(2 + 6 \times 20\%) \times £2644.04 = £8460.93$

The total past and future loss = £45477.49

The Tribunal made an award of £450 to reflect the loss of statutory rights.

Total award = $£45477.49 + £450 = £45927.49$

Applying the cap imposed by Section 124 (52 weeks gross pay) the award is reduced to £42,000.

Employment Judge John Crossfill

Date 1 February 2018

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.