

RESERVED REMEDY JUDGMENT



EMPLOYMENT TRIBUNALS

BETWEEN

<u>CLAIMANTS</u>	V	<u>RESPONDENTS</u>
MR I JONES (1)		GREENFINGERS GROUND
MR A JONES (2)		FORCE LIMITED (1)
MR L JONES (3)		RPG (ANGLESEY) LIMITED (2)
MR D JONES (4)		MAINTENANCE CONTRACTS
MR R LEWIS (5)		(OSWESTRY) LIMITED (IN
MR A WILLIAMS (6)		LIQUIDATION) (3)
		ISLE OF ANGELSEY COUNTY
		COUNCIL (4)

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT: MOLD ON: 13TH SEPTEMBER 2017

BEFORE: EMPLOYMENT JUDGE S POVEY
(SITTING ALONE)

REPRESENTATION:

FOR THE CLAIMANT: MR WILL (CAB)
FOR THE RESPONDENTS: NO ATTENDANCE

REMEDY JUDGMENT

1. The First Respondent must pay to the Claimants the sums set out in the schedule attached to this judgment.

Order posted to the parties on

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For Secretary of the Tribunals

EMPLOYMENT JUDGE S POVEY

Dated: 20th November 2017

RESERVED REMEDY JUDGMENT

Claimants

MR I JONES (1)
 MR A JONES (2)
 MR L JONES (3)
 MR D JONES (4)
 MR R LEWIS (5)
 MR A WILLIAMS (6)

V

Respondents

GREENFINGERS GROUND FORCE
 LIMITED (1)
 RPG (ANGLESEY) LIMITED (2)
 MAINTENANCE CONTRACTS
 (OSWESTRY) LIMITED (IN
 LIQUIDATION) (3)
 ISLE OF ANGELSEY COUNTY
 COUNCIL (4)

SCHEDULE TO THE REMEDY JUDGMENT OF THE TRIBUNAL**A. The First Claimant (Mr I Jones)**

1. The First Respondent must pay to the First Claimant the sum of £15,356.31, calculated as follows:

	£
1.1. Basic Award (8.5 x £370.50)	3,149.25
1.2. Loss of Earnings (14/05/16 – 27/05/16)	626.00
1.3. Loss of Earnings (04/07/16 – 13/01/17)	8,760.00
1.4. Loss of Earnings (16/01/17 – 17/02/17)	486.10
1.5. Loss of Earnings (20/02/17 – 10/03/17)	626.00
1.6. Loss of Earnings (13/03/17 – 28/04/17)	240.80
1.7. Loss of Earnings (02/05/17 – 17/11/17)	793.73
1.8. Holiday Pay	170.43
1.9. Loss of Statutory Rights	<u>500.00</u>
Total:	<u>15,356.31</u>

2. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 apply and attention is drawn to the Statement overleaf.

RESERVED REMEDY JUDGMENT

Statement Relating to the Recoupment of Jobseekers Allowance, etc

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 SI 1997 2349.

- | | | |
|-----|------------------------------|---|
| (a) | Monetary award: | £15,356.31 |
| (b) | Prescribed element: | £10,502.10 |
| (c) | Period to which (b) relates: | 14 th May 2016 – 12 th March 2017 |
| (d) | Excess of (a) over (b): | £4,854.21 |

1. The First Claimant may not be entitled to the whole monetary award. Only (d) is payable forthwith; (b) is the amount awarded for loss of earnings during the period under (c) without any allowance for jobseekers allowance, income-related employment and support allowance, or income support received by the First Claimant in respect of that period; (b) is not payable until the Department of Employment has served a notice (called a Recoupment Notice) on the First Respondent to pay the whole or a part of (b) to the Department (which it may do in order to obtain repayment of unemployment, or social security, benefit paid to the First Claimant in respect of that period) or informs the First Respondent in writing that no such notice will be served. The sum named in the Recoupment Notice, which will not exceed (b), will be payable to the Department. The balance of (b), or the whole of it if notice is given that no Recoupment Notice will be served, is then payable to the First Claimant.
2. The Recoupment Notice must be served within the period of 21 days after the conclusion of the hearing or 9 days after the Judgment is sent to the parties, (whichever is the later), or as soon as practicable thereafter, when the Judgment is given orally at the Hearing. When the Judgment is 'Reserved', the notice must be sent within a period of 21 days after the date on which the Judgment is sent to the parties, or as soon as practicable thereafter.
3. The First Claimant will receive a copy of the Recoupment Notice and should inform the Department of Employment in writing within 21 days if the amount claimed is disputed. The Tribunal cannot decide that question and the First Respondent, after paying the amount under (d) and the balance (if any) under (b), will have no further liability to the First Claimant, but the sum claimed in a Recoupment Notice is due from the First Respondent as a debt to the Department whatever may have been paid to the First Claimant and regardless of any dispute between the First Claimant and the Department.

RESERVED REMEDY JUDGMENT

B. The Second Claimant (Mr A Jones)

1. The First Respondent must pay to the Second Claimant the sum of £2,914.80, calculated as follows:

	£
1.1. Basic Award (7 x £323.70)	2,265.90
1.2. Holiday Pay	148.58
1.3. Loss of Statutory Rights	<u>500.00</u>

Total: 2,914.48

RESERVED REMEDY JUDGMENT

C. The Third Claimant (Mr L Jones)

1. The First Respondent must pay to the Third Claimant the sum of £10,794.76, calculated as follows:

	£
1.1. Basic Award (2.5 x £273.00)	682.50
1.2. Loss of Earnings (14/05/16 – 26/05/16)	493.16
1.3. Loss of Earnings (02/07/16 – 15/01/17)	6,904.24
1.4. Loss of Earnings (18/01/17 – 17/02/17)	609.80
1.5. Loss of Earnings (20/02/17 – 31/03/17)	1,479.48
1.6. Holiday Pay	125.58
1.7. Loss of Statutory Rights	<u>500.00</u>
Total:	<u>10,794.76</u>

2. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 apply and attention is drawn to the Statement overleaf.

RESERVED REMEDY JUDGMENT

Statement Relating to the Recoupment of Jobseekers Allowance, etc

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 SI 1997 2349.

- | | | |
|-----|------------------------------|--|
| (a) | Monetary award: | £10,794.76 |
| (b) | Prescribed element: | £9,486.68 |
| (c) | Period to which (b) relates: | 14 th May 2016 – 2 nd April 2017 |
| (d) | Excess of (a) over (b): | £1,308.08 |

1. The Third Claimant may not be entitled to the whole monetary award. Only (d) is payable forthwith; (b) is the amount awarded for loss of earnings during the period under (c) without any allowance for jobseekers allowance, income-related employment and support allowance, or income support received by the Third Claimant in respect of that period; (b) is not payable until the Department of Employment has served a notice (called a Recoupment Notice) on the First Respondent to pay the whole or a part of (b) to the Department (which it may do in order to obtain repayment of unemployment, or social security, benefit paid to the Third Claimant in respect of that period) or informs the First Respondent in writing that no such notice will be served. The sum named in the Recoupment Notice, which will not exceed (b), will be payable to the Department. The balance of (b), or the whole of it if notice is given that no Recoupment Notice will be served, is then payable to the Third Claimant.
2. The Recoupment Notice must be served within the period of 21 days after the conclusion of the hearing or 9 days after the Judgment is sent to the parties, (whichever is the later), or as soon as practicable thereafter, when the Judgment is given orally at the Hearing. When the Judgment is 'Reserved', the notice must be sent within a period of 21 days after the date on which the Judgment is sent to the parties, or as soon as practicable thereafter.
3. The Third Claimant will receive a copy of the Recoupment Notice and should inform the Department of Employment in writing within 21 days if the amount claimed is disputed. The Tribunal cannot decide that question and the First Respondent, after paying the amount under (d) and the balance (if any) under (b), will have no further liability to the Third Claimant, but the sum claimed in a Recoupment Notice is due from the First Respondent as a debt to the Department whatever may have been paid to the Third Claimant and regardless of any dispute between the Third Claimant and the Department.

RESERVED REMEDY JUDGMENT

D. The Fourth Claimant (Mr D Jones)

1. The First Respondent must pay to the Fourth Claimant the sum of £2,267.98 calculated as follows:

	£
1.1. Basic Award (1.5 x £273.00)	409.50
1.2. Loss of Earnings (14/05/16 – 26/05/16)	493.16
1.3. Loss of Earnings (02/07/16 – 24/07/17)	739.74
1.4. Holiday Pay	128.58
1.5. Loss of Statutory Rights	<u>500.00</u>

Total: 2,267.98

2. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 apply and attention is drawn to the Statement overleaf.

RESERVED REMEDY JUDGMENT

Statement Relating to the Recoupment of Jobseekers Allowance, etc

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 SI 1997 2349.

- | | | |
|-----|------------------------------|--|
| (a) | Monetary award: | £2,267.98 |
| (b) | Prescribed element: | £1,232.90 |
| (c) | Period to which (b) relates: | 14 th May 2016 – 24 th July 2017 |
| (d) | Excess of (a) over (b): | £1,035.08 |

1. The Fourth Claimant may not be entitled to the whole monetary award. Only (d) is payable forthwith; (b) is the amount awarded for loss of earnings during the period under (c) without any allowance for jobseekers allowance, income-related employment and support allowance, or income support received by the Fourth Claimant in respect of that period; (b) is not payable until the Department of Employment has served a notice (called a Recoupment Notice) on the First Respondent to pay the whole or a part of (b) to the Department (which it may do in order to obtain repayment of unemployment, or social security, benefit paid to the Fourth Claimant in respect of that period) or informs the First Respondent in writing that no such notice will be served. The sum named in the Recoupment Notice, which will not exceed (b), will be payable to the Department. The balance of (b), or the whole of it if notice is given that no Recoupment Notice will be served, is then payable to the Fourth Claimant.
2. The Recoupment Notice must be served within the period of 21 days after the conclusion of the hearing or 9 days after the Judgment is sent to the parties, (whichever is the later), or as soon as practicable thereafter, when the Judgment is given orally at the Hearing. When the Judgment is 'Reserved', the notice must be sent within a period of 21 days after the date on which the Judgment is sent to the parties, or as soon as practicable thereafter.
3. The Fourth Claimant will receive a copy of the Recoupment Notice and should inform the Department of Employment in writing within 21 days if the amount claimed is disputed. The Tribunal cannot decide that question and the First Respondent, after paying the amount under (d) and the balance (if any) under (b), will have no further liability to the Fourth Claimant, but the sum claimed in a Recoupment Notice is due from the First Respondent as a debt to the Department whatever may have been paid to the Fourth Claimant and regardless of any dispute between the Fourth Claimant and the Department.

RESERVED REMEDY JUDGMENT

E. The Fifth Claimant (Mr R Lewis)

1. The First Respondent must pay to the Fifth Claimant the sum of £4,004.96, calculated as follows:

	£
1.1. Basic Award (2 x £273.00)	546.00
1.2. Loss of Earnings (14/05/16 – 07/08/16)	2,958.96
1.3. Loss of Statutory Rights	<u>500.00</u>

Total: 4,004.96

2. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 apply and attention is drawn to the Statement overleaf.

RESERVED REMEDY JUDGMENT

Statement Relating to the Recoupment of Jobseekers Allowance, etc

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 SI 1997 2349.

- | | | |
|-----|------------------------------|---|
| (a) | Monetary award: | £4,004.96 |
| (b) | Prescribed element: | £2,958.96 |
| (c) | Period to which (b) relates: | 14 th May 2016 – 7 th August 2016 |
| (d) | Excess of (a) over (b): | £1,046.00 |

1. The Fifth Claimant may not be entitled to the whole monetary award. Only (d) is payable forthwith; (b) is the amount awarded for loss of earnings during the period under (c) without any allowance for jobseekers allowance, income-related employment and support allowance, or income support received by the Fifth Claimant in respect of that period; (b) is not payable until the Department of Employment has served a notice (called a Recoupment Notice) on the First Respondent to pay the whole or a part of (b) to the Department (which it may do in order to obtain repayment of unemployment, or social security, benefit paid to the Fifth Claimant in respect of that period) or informs the First Respondent in writing that no such notice will be served. The sum named in the Recoupment Notice, which will not exceed (b), will be payable to the Department. The balance of (b), or the whole of it if notice is given that no Recoupment Notice will be served, is then payable to the Fifth Claimant.
2. The Recoupment Notice must be served within the period of 21 days after the conclusion of the hearing or 9 days after the Judgment is sent to the parties, (whichever is the later), or as soon as practicable thereafter, when the Judgment is given orally at the Hearing. When the Judgment is 'Reserved', the notice must be sent within a period of 21 days after the date on which the Judgment is sent to the parties, or as soon as practicable thereafter.
3. The Fifth Claimant will receive a copy of the Recoupment Notice and should inform the Department of Employment in writing within 21 days if the amount claimed is disputed. The Tribunal cannot decide that question and the First Respondent, after paying the amount under (d) and the balance (if any) under (b), will have no further liability to the Fifth Claimant, but the sum claimed in a Recoupment Notice is due from the First Respondent as a debt to the Department whatever may have been paid to the Fifth Claimant and regardless of any dispute between the Fifth Claimant and the Department.

RESERVED REMEDY JUDGMENT

F. The Sixth Claimant (Mr A Williams)

3. The First Respondent must pay to the Sixth Claimant the sum of £7,315.15, calculated as follows:

	£
3.1. Basic Award (5.5 x £292.50)	1,608.75
3.2. Loss of Earnings (14/05/16 – 13/11/16)	5,066.10
3.3. Holiday Pay	140.30
3.4. Loss of Statutory Rights	<u>500.00</u>
Total:	<u>7,315.15</u>