



EMPLOYMENT TRIBUNALS

Claimant: Miss K Howard

Respondent: Fisher Brothers Limited

Heard at: Hull

On: 11 June 2019

Before: Employment Judge Brain
Mr C Childs
Mr G D Waring

REPRESENTATION:

Claimant: In person

Respondent: Mr W Fisher, Director

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's complaint that the respondent discriminated against her because of the protected characteristic of disability fails and stands dismissed.
2. The respondent made an unlawful deduction from the claimant's wages. Accordingly, the respondent shall pay to the claimant the sum of £11.70 being the amount of the unlawful deduction.
3. The respondent unfairly dismissed the claimant. Accordingly, the complaint of unfair dismissal succeeds.

Remedy

4. The following is the remedy awarded in favour of the claimant upon her successful unfair dismissal complaint:

(1) <u>Basic award</u> – 7.5 x £176	£1,320.00
(2) <u>Compensatory award</u>	
(i) Loss of earnings from 24 September 2018 to 8 April 2019 – 27 weeks x £176 per week	£4,752.00

(ii) Loss of statutory rights £352.00

Total £5,104.00

(3) Uplift upon compensatory award for failure to follow the ACAS Code of Practice 1: Disciplinary and Grievance Procedures (2015) 10% x £5,104.00 £510.40

(4) Total unfair dismissal award £6,934.40

5. The *Employment Protection (Recoupment of Benefits) Regulations 1996* apply to the unfair dismissal award. The *Recoupment Regulations* apply as follows:

(1) Total award for unfair dismissal £6,934.40

(2) Prescribed element £4,752.00

(3) Prescribed period – 24 September 2018 to 8 April 2019

(4) Excess of the total award over the prescribed element £2,182.40

6. The respondent shall pay to the claimant the amount awarded in paragraph 2 above and the excess of the total award for unfair dismissal over the prescribed element referred to in paragraph 5(4) above within 14 days of the date upon which the Judgment is sent to the parties (as recorded below).

Employment Judge Brain

Date: 21 June 2019

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.

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