



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Ioana Vilea

**Respondent:** First Stop (Stafford) Limited

**Heard at:** Birmingham      **On:** 20 June 2019

**Before:** Employment Judge Coghlin QC (sitting alone)

## Appearances

For the claimant: In person

For the respondent: No appearance (debarred)

## JUDGMENT

1. The claimant was continuously employed by the respondent from 15 June 2015 until 17 March 2018.
2. The claimant's weekly pay at the relevant times was £357.92 per week.
3. The claimant is entitled to a statutory redundancy payment in the sum of **£715.84**.
4. The respondent made unlawful deductions from the claimant's wages in the total sum of **£3,036.65**. this comprises:
  - a. failure to pay wages for December 2017, January 2018 and February 2018 in the total sum of £2,463.98, and
  - b. failure to pay her in respect of holiday taken in January 2018 in the sum of £572.67.

5. The claimant's claims for unpaid holiday pay for the years 2015, 2016 and 2017 are out of time and are dismissed on the basis that the tribunal lacks jurisdiction to consider them.
6. The claimant was unfairly dismissed by the respondent.
7. In respect of the claimant's unfair dismissal:
  - a. The respondent is ordered to pay a compensatory award in the sum of **£3,283.36**. Note that only part of this sum is payable immediately: the parties' attention is directed to the provisions for payment set out in the Annex to this judgment.
  - b. There is no separate basic award since the claimant is entitled to a statutory redundancy payment as indicated above.

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.

**Employment Judge Coghlin  
20 June 2019**

**ANNEX TO THE JUDGMENT**

**(MONETARY AWARDS)**

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance and  
Income Support

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4 and SI 2010 No 2429 Reg 5.

- (a) Monetary award: £3,283.36<sup>1</sup>
- (b) Prescribed element: £2,983.36<sup>2</sup>
- (c) Period to which (b) relates: 17 March 2018 to 12 May 2018<sup>3</sup>
- (d) Excess of (a) over (b): £300

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment Support Allowance or Income Support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

Only the prescribed element (item (b) above) is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

**The difference between the monetary award and the prescribed element (item (d) above) is payable by the respondent to the claimant immediately.**

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.

---

<sup>1</sup> This is the total of the basic and compensatory awards.

<sup>2</sup> This is the amount of lost earnings suffered by the claimant in the prescribed period.

<sup>3</sup> This is the period of loss for which the claimant is being compensated.