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EMPLOYMENT TRIBUNALS

Claimant: Mr B McCarthy
Respondent: Install Base Limited
Heard at: East London Hearing Centre
On: Friday 28 June 2019
Before: Employment Judge Moor

Representation

Claimant: In Person
Respondent: Non- Appearance

JUDGMENT

1. The complaint of unfair dismissal is well-founded.
2. The Respondent made an unlawful deduction of the Claimant's wages.
3. The claim for wrongful dismissal is well-founded.
4. The Respondent is ordered to pay to the Claimant £29,337.52 comprising:
 - a. £5130.32 in wages unlawfully deducted;
 - b. £2,274.00 for wrongful dismissal (notice pay); and
 - c. £8,926.20 for the basic award; and
 - d. £13,007 for the compensatory award.

Recoupment applies in this case and I refer to Annex 2 attached.

For the purposes of the Recoupment Regulations therefore:

The monetary award is **£29,337.52**.

The prescribed element is **£6,254.77**.

The period to which the prescribed element relates is **18 January 2019 to 28 June 2019**.

The amount by which the monetary award exceeds the prescribed element is **£23,082.75**.

Employment Judge Moor

Date: 9 July 2019

ANNEX 2 RECOUPMENT

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

The Tribunal has awarded compensation to the Claimant but not all of it should be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit or Income Support, which it 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 is sent to the parties.

The Tribunal's judgment states the total monetary award made to the Claimant and an amount called the prescribed element. Only the prescribed element 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 is payable by the Respondent to the claimant immediately.

When the DWP sends the Recoupment Notice, the Respondent must pay the amount specified in the Notice by the Department. 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 Department informs the Respondent that it does not intend 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 DWP. If the claimant disputes the amount in the Recoupment Notice, the Claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the DWP.