



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Mr O Ogundolie

Interserve Security (First) Limited

Heard at: London Central

On: 9, 10, 11 October 2019

Before: Employment Judge Adkin (sitting alone)

Representations

For the Claimant: Mr D Renton (Counsel)

For the Respondent: Mr G Probert (Counsel)

JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent unfairly dismissed the Claimant pursuant to section 98(4) Employment Rights Act 1996.
2. The Tribunal has assessed the just and equitable reduction to reflect the Claimant's contribution to his dismissal in the sum of 25%.
3. The Respondent wrongfully dismissed the Claimant by dismissing him without notice in the absence of a repudiatory breach on the part of the Claimant.
4. Damages for wrongful dismissal are agreed in the sum of £2,079.86.
5. In respect of the Unfair dismissal
 - 5.1. The Basic award is £4,681.69.
 - 5.2. The Compensatory award is comprised as follows:

- 5.2.1. Agreed past loss of £4,078.20;
- 5.2.2. Future loss is assessed in the sum of £1,540.92.
- 5.3. Loss of statutory rights is agreed as £500. The Tribunal declined to award any additional element for 'loss of long notice period'
- 6. [For the purposes of the Recoupment provisions:
 - 6.1.(a) The total monetary award made to the Claimant is £12,880.67
 - 6.2.(b) The prescribed element is £4,078.20.
 - 6.3.(c) The dates of the period to which the prescribed element is attributable is 27 September 2018 – 11 October 2019.
 - 6.4.(d) The amount, by which the monetary award exceeds the prescribed element is £8,802.47]

Employment Judge Adkin

Date 11 Oct 2019

JUDGMENT SENT TO THE PARTIES ON
15/10/2019

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions
Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

ANNEX TO THE JUDGMENT

(MONETARY AWARDS)

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

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 and support allowance, universal credit 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.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds 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 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.