



EMPLOYMENT TRIBUNALS

Claimants: Mr G Imperato
Mr S Yilmaz

Respondent: Poppy 2017 Limited

HELD AT: Manchester

ON: 12 November 2019

BEFORE: Employment Judge Slater

REPRESENTATION:

Claimants: Mr P Murphy, friend
Respondent: Not present

JUDGMENT

The judgment of the Tribunal is that:

1. The respondent is ordered to pay to Mr Imperato compensation of £1138.41 for unfair dismissal.
2. The Recoupment Regulations apply to this award. The grand total of the award is £1138.41. The prescribed element is £788.41. The period of the prescribed element is 9 December 2018 to 27 February 2019. The excess of the grand total over the prescribed element is £350. The annex to this judgment explains the operation of the Recoupment Regulations.
3. Mr Imperato was entitled to be paid a statutory redundancy payment by the respondent in the sum of £1920.
4. The respondent is ordered to pay to Mr Imperato damages of £1920 for the breach of contract of dismissing Mr Imperato without notice.
5. The respondent is ordered to pay to Mr Imperato the sum of £456, being the gross sum unlawfully deducted by not paying Mr Imperato in lieu of accrued but untaken holiday.



6. The respondent is ordered to pay to Mr Imperato the additional sum, pursuant to section 38 Employment Act 2002, of £960, four weeks' pay, for failing to provide Mr Imperato with a written statement of employment particulars.
7. The respondent is ordered to pay costs to Mr Imperato of £262.50 in respect of expenses incurred in attending the tribunal for the purpose of being a witness on three occasions.
8. The respondent is ordered to pay to Mr Yilmaz the sum of £634, being the total gross sum of wages unlawfully deducted for the period 12 November to 9 December 2018.
9. The respondent is ordered to pay to Mr Yilmaz the sum of £291.60, being the gross sum unlawfully deducted by not paying Mr Yilmaz in lieu of accrued but untaken holiday.
10. The respondent is ordered to pay to Mr Yilmaz the additional sum, pursuant to section 38 Employment Act 2002, of £1080, four weeks' pay, for failing to provide Mr Yilmaz with a written statement of employment particulars.
11. The respondent is ordered to pay costs to Mr Yilmaz of £217.50 in respect of expenses incurred in attending the tribunal for the purpose of being a witness on three occasions.

Employment Judge Slater

Date: 12 November 2019

JUDGMENT SENT TO THE PARTIES ON
14 November 2019

FOR THE TRIBUNAL OFFICE

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.

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.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2402366/2019 & 2402366/19**

Name of cases: **Mr G Imperato** v **Poppy 2017 Limited**
Mr S Yilmaz

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 14 November 2019

"the calculation day" is: 15 November 2019

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.

Claimant **Mr G Imperato**
Respondent **Poppy 2017 Limited**

**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.