



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr J Dagostin

AND

Respondent
Stoner Concrete Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Southampton **ON** 19 and 20 November 2019

EMPLOYMENT JUDGE GRAY

Representation

For the Claimant: In person
For the Respondent: Mr N Stoner (a Director of the Respondent)

JUDGMENT

The Judgment of the Tribunal is that:

1. The complaints for unpaid holiday pay, outstanding wages and for breach of contract for notice pay, are dismissed on withdrawal by the Claimant.
2. The Claimant's claim for unfair dismissal succeeds.
3. The Respondent is ordered to pay to the Claimant the following:
 - a. A Basic Award amounting to £1,218.75 (based on the Claimant having 2 years of complete service x 1.5 (as the Claimant was aged 53 at the date of dismissal (5 October 2018)) x £406.25).
 - b. A Compensatory Award amounting to £4,066.74, which includes:
 - i. Loss of earnings from the date of dismissal to the date of this hearing = £2,458.40
 - ii. Loss of statutory employment rights = £500

- iii. **A 10% uplift to i and ii above for failure to follow the ACAS code = £295.84**
- iv. **an award for two weeks' pay made pursuant to Section 38 of the Employment Act 2002 (£406.25 x 2 = £812.50).**

Employment Judge Gray

Date: 20 November 2019

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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.