



EMPLOYMENT TRIBUNALS

Claimant: Miss KA Dobbin

Respondent: J&S Venture Ltd

On: 5 May 2020

Venue: By Telephone

Before: Employment Judge JM Wade

Representation:

Claimant: in person

Respondent: Mr Patel (director)

Introduction

On 7 January 2020 the claimant presented claims of unfair dismissal, unlawful deductions from wages and unpaid holiday pay on the termination of employment. This followed her dismissal by email on 18 December 2019 following a bereavement. The respondent presented its response on 7 February and indicated that it did not defend the claims. A judgment on liability was sent to the parties on 18 March 2020 and the parties were informed that the remedy would be determined at a remedy hearing on 5 May. That hearing had to be converted to a telephone hearing for case management as a result of Covid. Having reviewed the file (and noted that Ms Dobbin had sent a great deal of written information), and having had the opportunity to clarify that information with her today by telephone, I brought the hearing to a close indicating I would be able to give a Judgment on the basis of that information alone. Mr Patel sought to suggest that the claimant was not dismissed (and otherwise to challenge the previous judgment). I informed him that the information accompanying that judgment contained information about how that judgment was to be challenged and I would not address such a challenge, if that was what he sought to do, in this hearing. The brief information discernible and necessary to assess remedy is that contained in the judgment below and as follows: the claimant's salary was £18, 600. She had seven years' service at all times under the age of 41. She was on bereavement leave (paid from 29 to 31 October) and unpaid to 18 November 2019; followed by four weeks certificated as unfit for work before her dismissal on 18 December. She received £642.91 only, including a tax refund and sick pay, for November. In early December. She received no pay for December.

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

In respect of the claimant's successful complaints, the respondent shall pay to her the following sums awarded by the Tribunal and calculated as follows:

Basic Award $\text{£}357.69 \times 7 = \text{£}2503.83$

Compensatory Award

£2146.16	6 weeks' gross pay (19.12.2019 – 26.01.20)
£4000	gross future loss (salary difference to £14,600)
£ 500	loss of statutory rights
£ 124.56	lost pension payments

£6770.72

Unpaid holiday pay/lieu pay on the termination of employment/unlawful deduction from wages

11 x £71.54 (daily rate based on 260 working days) = £786.94

89.44 x £8.94 (hourly rate based on 8 hour working day or forty hours per week) = £799.59

£1586.53

Grand Total: £10, 861.08

The recoupment regulations do not apply to these awards.

Employment JM Wade
Date: 5 May 2020