



EMPLOYMENT TRIBUNALS

Claimant: Mr J Wilhelm

Respondent: Stoodley Vehicle Auctions Ltd

Heard at: Manchester (by CVP)

On: 22 September 2020

Before: Employment Judge Dunlop
(sitting alone)

REPRESENTATION:

Claimant: Mrs S Wilhelm (Wife)

Respondent: Mr C Iddon (Accountant)

JUDGMENT

The judgment of the Tribunal is that:

1. The correct title of the respondent is Stoodley Vehicle Auctions Ltd.
2. The claimant is awarded **£919.68** in compensation for breach of contract (wrongful dismissal). This is made up of notice pay of £799.72 and an uplift of 15% under s207(A) Trade Union and Labour Relations (Consolidation) Act 1992 ("TULR(C)A"). This sum is a net sum based on the claimant's gross pay because it is likely he will have to pay tax on this amount as Post Employment Notice Pay.
3. The claimant is awarded **£19,807.68** in compensation for unfair dismissal, comprising a Basic Award of £5,140.40 and a Compensatory Award of £14,667.28. These sums have been calculated as net sums as it is unlikely that the claimant will have to pay tax on them.

The Compensatory Award is made up as follows:

Immediate net loss of earnings	
15/9/19 (end of notice period) – 23/3/20	£8,826.84
23/3/20 – 22/9/20 (remedy hearing)	£7,425.14

Immediate pension loss

15/9/19 (end of notice period) – 23/3/20	£308.42
23/3/20 – 22/9/20 (remedy hearing)	£237.64
Immediate losses sub-total	£16,798.04
Mitigation – deduction for net earnings 15/9/19-22/9/20	(£6,691.09)
Immediate loss of earnings	£10,106.95
Future loss of earnings	
22/9/20-31/10/20	£1,385.70
Loss of statutory rights	£500
Two weeks' pay under s38 Employment Act 2002	£761.54
Compensatory Award total before additions/uplift	£12,754.16
15% Uplift under s207(A) TULR(C)A	£1,913.12
Total compensatory award	£14,667.28

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.

Employment Judge Dunlop

Date: 22 September 2020

RESERVED JUDGMENT AND REASONS
SENT TO THE PARTIES ON

24 September 2020

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 number: **2414215/2019**

Name of case: **Mr J Wilhelm** v **Stoodley Vehicle Auctions Ltd**

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: **24 September 2020**

"the calculation day" is: **25 September 2020**

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

For the Employment Tribunal Office