



THE EMPLOYMENT TRIBUNALS

REMEDY HEARING

Claimant: Mr P Marley

Respondent: SD Taylor Limited

Heard at: Newcastle Hearing Centre **On:** Tuesday 15th December 2020
By: Cloud Video Platform (CVP)

Before: Employment Judge Speker OBE DL

Members: Mrs BG Kirby
Mr D Morgan

Representation:

Claimant: In Person
Respondent: Mr T Perry of Counsel

AWARD AT REMEDY HEARING

The respondent shall pay to the claimant compensation for unfair dismissal in the total sum of £29, 536.64.

REASONS

1. Following the judgment of the tribunal in favour of the claimant the tribunal has heard at the remedy hearing evidence from the claimant and submissions from him and from Mr Perry, counsel for the respondent, with regard to remedy. We have considered a schedule of loss and a counter schedule as well as other documents.
2. With regard to mitigation of loss, we find that the claimant has taken reasonable steps to mitigate his loss during the period during which he is claiming compensation. We take into account the impact upon him of the termination of his employment, some difficulties in resuming his work in the same field partly due to

a restricted covenant and because of the circumstances of his leaving the employment with the respondent. We consider it was reasonable for him to look to re-establish himself in a former occupation with which he had familiarity but that of necessity this involved getting himself accepted as a consultant and undergoing the necessary refresher training and accreditation which would require him to work in that field. We do note that the earnings which he has been able to achieve over many months is extremely disappointing but we take into account the fact that the pandemic will have interfered with the resumption of this type of occupation particularly bearing in mind that we take notice of the fact that the housing market was put on hold for a period of time during the pandemic and is starting to be resurrected now.

3. We make the following specific findings as to issues required with regard to the calculation.
4. Basic award. This was an agreed calculation and we accept the figure put forward.
5. Compensatory Award. The loss of earnings claim is for the period from the effective date of termination on 20th August 2019 to 20th August 2020, one year. For the purposes of the calculation, we accept the figure of £662.30 as the net weekly pay in accordance with the calculation submitted by the respondent and which has been checked by the tribunal.
6. We award loss of earnings for the period from 20th August 2019 to 20th August 2020 as 52 weeks at £662.30 - £34,439.60.
7. From this there are the following deductions:

payment in lieu of notice	£4,847.98
earnings from mitigation of loss	£2,343.00
withdrawal of bonus	£ 99.48
Total deductions	<u>£7,290.46</u>
Net	£26,149.14
8. We award loss of statutory rights as an appropriate figure of. £500.00
9. Total compensatory award £26,649.14
10. Add basic award £2,887.50
11. Total compensation £29,536.64
12. The orders made in the Judgment by the tribunal of a 25% increase in compensation because of failures by the respondent and a 25% reduction in compensation because of a failure by the claimant to appeal cancel each other out.

Case Number: 2503633/2019

This therefore leaves the figure of compensation as stated as £29,536.64. In the circumstances of this case, recoupment does not apply.

EMPLOYMENT JUDGE SPEKER OBE DL

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 17 December 2020**

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.