



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr P Clifford

v

Cleanroom Projects Limited

Heard at: Liverpool (by Cloud Video Platform ('CVP'))

On: 24 February 2021

Before: Employment Judge Johnson

Appearances

For the Claimant: in person

For the Respondent: Mr L Bronze (counsel)

JUDGMENT

1. The claimant's claim of unfair dismissal is well founded because his dismissal was procedurally unfair. This means that his claim succeeds.
2. Had a fair procedure been followed by the respondent, the claimant would have been dismissed fairly and if so, this would have taken place following a further period of employment ending on 27 September 2019.
3. The claimant received a statutory redundancy payment from his employer, and he is therefore not entitled to receive a payment in respect of a basic award for unfair dismissal.
4. The claimant secured alternative employment on 2 September 2019, following his last day of service with the respondent on 30 August 2019. This was paid at the same level as his old job and accordingly, he did not suffer any loss of earnings arising from his dismissal.
5. Consequently, the only part of the claim for a compensatory award which succeeds is in respect of loss of statutory rights and the respondent is ordered to pay the claimant the sum of **£350.00 (Three Hundred and Fifty Pounds)**.
6. As no loss of earnings arose from the dismissal, the recoupment provisions do not apply in relation to the recovery of relevant benefits by the Department of Work and Pensions from the compensatory award.

Employment Judge Johnson

Date: 24 February 2021

Sent to the parties on:

2 March 2021

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2417076/2019**

Name of case: **Mr P Clifford** v **Cleanroom Projects Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment 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 judgment day" is: **2 March 2021**

"the calculation day" is: **3 March 2021**

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

For and on Behalf of the Secretary of the Tribunals