



# EMPLOYMENT TRIBUNALS

Claimant

Respondent

A Algosh

v Care Property Management Ltd

Heard at: London Central (by video)

On: 5 and 6 January 2021

Before: Employment Judge P Klimov, sitting alone

## Representation

For the Claimant: in person

For the Respondent: did not attend and was not represented

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was by Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable due to the Coronavirus pandemic restrictions and all issues could be determined in a remote hearing.

## JUDGMENT

1. The respondent was in breach of contract by dismissing the claimant without notice and is ordered to pay the claimant the gross sum of **£2,280**, being damages for breach of contract.
2. The claimant was unfairly dismissed by the respondent.
3. The respondent has unreasonably failed to comply the ACAS Code of Practice on Disciplinary and Grievance Procedures and **25%** increase shall be applied to the compensatory award.
4. The respondent is ordered to pay the claimant compensation for unfair dismissal of **£19,276.11** comprising:

4.1 **Basic Award:** 1 x 6 years' service x £380 = **£2,280**

4.2 **Compensatory Award:**

i. **Immediate Loss** (between the effective date of termination (12/02/2020) and the date of the remedy hearing – 06/01/21)

- 23 working days (between 12/02/20 and 15/03/20) @ £65.28 (take home daily pay) = **£1,501.44**
- “furlough pay” for 207 working days (between 17/03/20 and 06/01/21) @ £54.95 (take home daily pay after “furlough adjustment”) = **£11,374.65**
- Loss of statutory rights: **£400**

Sub-Total: **£13,276.09**

Less:

- Compensation awarded for wrongful dismissal - **£2,280**
- Compensation awarded for unlawful deduction from wages in respect of the period between 12/02/2020 and 11/03/2020 (case number: 2204860/2019) - **£1,520** (4 weeks @ £380 a week)

Sub-Total: **£3,800**

**Total Immediate loss: £13,276.09- £3,800 = £9,476.09**

ii. Future loss

- 15 weeks @ 274.72 (weekly take home pay after “furlough” adjustment) = **£4,120.80**

**Total Future loss: £4,120.80**

**Total Loss and Adjustments:**

Increase of compensatory award by 25% due to the respondent’s unreasonable failure to comply with the ACAS Code of Practice

$(£9,476.09 + £4,120.80) \times 25\% = \mathbf{£3,399.22}$

**Total Compensatory Award =  $(£9,476.09 + £4,120.80 + £3,399.22) = \underline{\underline{£16,996.11}}$**

5. For the purposes of regulation 4 of the Employment Protection (Recoupment of Benefits) Regulations 1996:

(a) The Prescribed Element is: **£11,345.11** = £9,476.09 (total immediate loss) - £400 (compensation for loss of statutory rights) x 125% (increase under s.124A (ACAS Code));

(b) The Prescribed Period is: 25 March 2020 (end of the period over which damages for wrongful dismissal have been awarded) to 06 January 2021 (conclusion of the tribunal proceedings);

(c) The total monetary award is: **£19,276.11**;

(d) The excess of the total monetary award over the Prescribed Element is:  
**£7,931.**

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Employment Judge P Klimov  
London Central Region

Dated : 6 January 2021

Sent to the parties on:

15/1/21

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For the Tribunals Office

### **Notes**

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant (s) and respondent(s) in a case.