



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Grierson

**Respondent:** Markandu Nesarasa

**Heard at:** Manchester (by CVP)

**On:** 26 February 2021

**Before:** Employment Judge Warren

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Not in attendance. No response received. Rule 21 applied

# JUDGMENT

After hearing the claimant's evidence, the judgment of the Tribunal is that:

1. The claimant was unfairly dismissed.
2. In breach of contract, the claimant was not given notice or pay in lieu.
3. The recoupment regulations apply.
4. The respondent is ordered to pay the claimant the sum of £3,591 subject to the recoupment regulations as set out below.

## Remedy calculation

1. The claimant was dismissed at the age of 55. She had worked for the respondent, having been transferred from a previous business, since August 2014.
2. On 12 May 2020 the claimant was signed from work unwell. She was dismissed on 13 June 2020. Her net and gross pay were the same, as they were too low to attract income tax or national insurance contributions.
3. The claimant was fit to work from 13 July 2020.
4. The claimant obtained alternative, and better paid, employment 13 weeks later.

5. With a total of five years' completed service the claimant was entitled to five weeks' notice pay.

6. Having lost her right as an employee through the dismissal she is awarded compensation, and for a failure to complete any form of process other than to dismiss her on the spot, there is a 20% uplift on the compensatory award.

Basic award	£1,043.00
Compensatory award	£1,112.00
Notice pay	£695.00
Loss of rights	£280.00
20% uplift	<u>£361.00</u>
Grand total	<b><u>£3,591.00</u></b>

5. The recoupment regulations apply. The grand total is £3,591.00. The prescribed element is £2,850. The period of the prescribed element is 13 June 2020 to 26 February 2021. The excess of A over B is £741.

Employment Judge Warren

Date: 29 March 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON

30 March 2021

FOR THE TRIBUNAL OFFICE

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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.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2415722/2020**

Name of case: **Miss S Grierson** v **Markandu Nesarasa**

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: **30 March 2021**

"the calculation day" is: **31 March 2021**

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

For and on Behalf of the Secretary of the Tribunals

**Claimant**                    **Miss S Grierson**  
**Respondent**                **Markandu Nesarasa**

**ANNEX TO THE JUDGMENT  
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

**The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.**

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.