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EMPLOYMENT TRIBUNALS

Claimant

Respondents

Mr D Smith

AND

United Overseas Bank Limited

Heard at: London Central

On: 1 April 2021

Before: Employment Judge Wade

Members: Mr M Simon
Mr S Soskin

Representation

For the Claimant: In person

For the Respondent: Mr M Magee, of Counsel

JUDGMENT

The Judgment of the Tribunal is that:

1. The respondent is ordered to pay compensation to the claimant of £18,729.58 (subject to recoupment) as set out in the schedule below.
2. The parties are ordered to write to the tribunal for the attention of REJ Wade within 14 days of the date this judgment is sent to them if they identify any arithmetical errors in the schedule.
3. The claimant's application for costs is dismissed.

COMPENSATION SCHEDULE

Please note that these figures differ slightly from those read out at the hearing because they reflect the figures provided in the respondent's revised submissions.

1. No basic award

2. 1.6.17- 25.2.18 – the period during which the claimant was unemployed

Salary and pension (not bonus because none payable in that period) was £20,215.90 plus £104 to reflect a pay rise on 1 January 2018. Total: £20,319.90.

Minus notice pay of £7,706.77
Total for paragraph 2: **£12,613.13**

Note: (1) JSA is recoupable and so £1,806.62 remains in the total payable. (2) The pay rise is based on the respondent's figure of 2.76%.

4. Compensation when employed in new job from 26.2.18 to 26.2 19

Loss of income, pension and bonuses accrued in 2017 and 2018: £44,239.30

Less receipts £32,379.65

Total for paragraph 3: **£11,859.65**

5. Loss of statutory rights £500

6. Total payable before 25% deduction

£12,613.13

£11,859.65

£500

£24,972.78

7. Total payable less 25%: £18,729.5885

Note: No interest is awarded and no separate award is made in relation to holiday differential.

8. Recoupment

The prescribed element is £12,613.13. The dates to which the prescribed element is attributable are 2 June 2017 to 25 February 2018. The monetary award of £18,729.58 exceeds the prescribed element by £6,116.45.

JL Wade _____
Regional Employment Judge Wade

Dated: 23/04/2021

Judgment and Reasons sent to the parties on:

26/04/2021.

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For the Tribunal Office