



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr T Berani

v

Deals On Wheels (LDN) Ltd

Heard at: Watford (by video)

On: 27 April 2021

Before: Employment Judge P Klimov, sitting alone

Representation

For the Claimant: Mr R. Ryan (of Counsel)

For the Respondent: Mr G. Jones (legal representative)

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 to the Claimant the sum of **£1,191.44** being damages for breach of contract.
2. The Respondent has made an unlawful deduction from the Claimant's wages by failing to pay to the Claimant his salary for the period between 17 and 23 March 2020 and between 10 May and 8 June 2020 and is ordered to pay to the Claimant the net sum of **£2,502.04**.
3. The Respondent has made an unlawful deduction from the Claimant's wages by failing to pay to the Claimant his holiday pay and is ordered to pay to the Claimant the net sum of **£4,765.81**.
4. The Claimant was unfairly dismissed by the Respondent.

5. The Respondent has unreasonably failed to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures and 25% increase shall be applied to the compensatory award.
6. The Respondent is ordered to pay the Claimant compensation for unfair dismissal of **£39,526.75** comprising of:

6.1 Basic Award **£1,050**

6.2 Compensatory Award:

6.2.1 loss statutory rights:	£300
6.2.2 immediate loss - between the effective date of termination and the date of the hearing, after deducting sums earned in mitigation (net):	£16,787.70
6.2.3 less damages awarded for breach of contract	(£1,191.44)
6.2.4 future loss (net): continuing at a rate of £1,581.45 per month for 6 months and at 25% of the net salary (£645.36) per month for a further period of 6 months	£9,488.70 £3,872.16
Total financial loss (net):	£29,257.12
25% uplift for the Respondent's unreasonable failure to comply with ACAS Code:	£7,314.28

Total compensatory award before grossing up (net): £36,571.40

Grossing up Compensatory Award:

Balance of £30,000 not used by Basic Award $£30,000 - £1,050 = £28,950$

Amount to be grossed up: $36,571.40 - 28,950 = £7,621.40$

Grossing up at 20% (basic tax rate) = £9,526.75

Adding back tax-free amount $£9,526.75 + £28,950 = £38,476.75$

Total compensatory award after grossing up (net): **£38,476.75**

7. The Respondent has unreasonably failed to provide the Claimant with a written statement of reasons for dismissal and is ordered to pay to the Claimant the sum of **£1,552.02**, being the amount equal the Claimants two weeks' gross pay.

8. The Respondent has failed to give to the Claimant a full and accurate written statement of particulars of employment in breach of section 1(1) of the Employment Rights Act 1996 and is ordered to pay to the Claimant the sum of £1,050, being the amount equal to the Claimant's two weeks' pay, calculated in accordance with section 38(6) of the Employment Act 2002.
9. The Respondent was in breach of section 8 of the Employment Rights Act 1996 by failing to provide to the Claimant his itemised pay statements.

Employment Judge P Klimov
27 April 2021

Sent to the parties on:

17/5/2021

N Gotecha

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For the Tribunals Office

Notes

Reasons for the judgment having been given orally at the hearing. Written reasons have been requested by the Claimant at the end of the hearing, in accordance with Rule 62(3) of the Rules of Procedure 2013, and will be provided in due course.

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