



EMPLOYMENT TRIBUNALS

Claimant: David Bell

Respondents: (1) Urmston E Cigs Ltd
(2) NJ Vapes Urmston Ltd

Heard at: Manchester Via CVP

On: 19 May 2021

Before: Employment Judge Serr

Appearances

For the Claimant: Ms C Evans

For the Respondents: Responses not entered to the claim and did not attend (having been notified of the hearing)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The Claim against the Second Respondent N J Vapes Urmston Ltd is dismissed on withdrawal.
2. The Claimant was dismissed by reason of redundancy. The Claimant's claim for a Redundancy Payment is well founded. The Claimant is entitled to a redundancy payment in the sum of **£1071**.
3. The Claimant's Claim for Unfair Dismissal is well founded.
4. The Claimant is not entitled to a Basic Award pursuant to s. 122 (4) (a) Employment Rights Act 1996.

5. The Claimant is entitled to a compensatory award of **£1994.20**.
6. The Claimant was dismissed in breach of contract in respect of notice and the Respondent is ordered to pay damages to the Claimant in the sum of **£765**.
7. The Respondent has failed to pay the Claimant's holiday entitlement and is ordered to pay the Claimant the sum of **£856.80**.
8. The Claimant is entitled to an award pursuant to s.38 Employment Act 2002 in the sum of **£612**.
9. The total sum awarded to the Claimant is **£5299**. All sums due are to be paid gross without deduction for tax.
10. The Recoupment Provisions apply.

The Prescribed Element is £1744.20.

The Prescribed Period is 9 October 2020 to 31 January 2021.

The total award is £5299.

The Excess of total award over the prescribed element is £3554.80

Employment Judge Serr

Date: 19/5/21

JUDGMENT SENT TO THE PARTIES ON

25 May 2021

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2400156/2021**

Name of case: **Mr D Bell** v **Urmston E Cigs Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision 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: **25 May 2021**

"the calculation day" is: **26 May 2021**

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

For the Employment Tribunal Office

Claimant: Mr D Bell

Respondent: Urmston E Cigs Ltd

**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.