



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs Sepi Sarabandi

v

API Engineering (O & G) Limited
Mr M Robinson

Heard at: Norwich

On: 15, 16 April 2021

Before: Employment Judge Dobbie (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Mr Robinson, Director

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals

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

JUDGMENT

1. The Claimant was unfairly dismissed. She contributed to her dismissal within the meaning of s.123(6) Employment Rights Act 1996 and the Compensatory Award has been reduced by 50% to reflect this. A similar reduction (50%) was made to the Basic Award under s.122 Employment Rights Act 1996.
2. The Respondent shall pay to the Claimant compensation for unfair dismissal in the sum of £15,431.94 made up as follows:
 - a. A basic award of £525.00; and
 - b. A compensatory award of £14,906.94.
3. The recoupment provisions apply to the compensatory award (as described in the attached Annex) as follows:
 - a. The monetary award is £18,275.85;
 - b. The Prescribed Element is £14,906.94;
 - c. The period to which the Prescribed Element relates is 30 September 2019 to 30 September 2020; and

- d. The monetary award exceeds the Prescribed Element by £3,368.91.
4. The Claimant's claim for unlawful deduction from wages for the period 27 to 30 September 2019 succeeds and the Respondent shall pay to the Claimant £536.12 gross (£461.55 net) in respect of this claim.
5. The Respondent dismissed the Claimant without notice in breach of contract and shall pay the Claimant damages of £2,307.79 net in respect of this claim.
6. The Claimant's claim for holiday pay fails and is dismissed.
7. The Claimant's claim for commission fails and is dismissed.
8. The upheld claims are upheld against the First Respondent (the company) only.

5 May 2021

Employment Judge Dobbie

Sent to the parties on:

18 June 21

For the Tribunal Office

Note

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.

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Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.