



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr L Gallimore

AND

Respondent
Medipatrol Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD BY VIDEO (CVP)

ON

15 June 2021

EMPLOYMENT JUDGE GRAY

Representation

For the Claimant: In person

For the Respondent: Did not attend and was not represented
Response not entered (Rule 21 applies)

JUDGMENT

The judgment of the tribunal is that the Claimant was subjected to unauthorised deductions from wages both as an employee and a worker and unfairly constructively dismissed for the principal reason of making a qualifying protected disclosure.

The Respondent is ordered to pay the Claimant the total sum of £17,295.70 (subject to the Recoupment Regulations as detailed below) made up as follows:

- Wages as a worker (as per invoices), £281.25
- Wages as an employee:
 - £1,618.20 (as per invoices); and
 - £2,092.50 (12 September 2020 to 14 October 2020)
- Compensatory Award:
 - £11,508.75
 - £400 for personal work equipment lost as a result of dismissal

- For failure to provide written particulars of employment, 4 weeks' pay, £1,395.

The complaints of discrimination are still to be determined.

Recoupment

The Recoupment Regulations 1996 apply to the above awards. The information required by Regulation 4 (see also the Annex to this Judgment) is as follows:

(a)	Monetary Award	£11,508.75
(b)	Prescribed Element	£2,755
(c)	Dates of the periods to which the Prescribed Element is attributable September 2020 to 15 June 2021	Estimated at 38 weeks at approximately £145 a fortnight
(d)	The amount by which the Monetary Award exceeds the Prescribed Element is	£8,753.75

Employment Judge Gray
Date: 15 June 2021

Judgment sent to the Parties: 28 June 2021

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.

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

Recoupment of Jobseeker's Allowance, Income-related employment and support allowance or Universal Credit

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4.

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 and other specified allowances paid to the claimant after dismissal in respect of the compensatory award for unfair 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.