



## EMPLOYMENT TRIBUNALS

BETWEEN

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| <b>Mr Kevin Dimmock</b><br><b>(Claimant)</b> | <b>and</b> | <b>Fowlersfinance.com Limited</b><br><b>(Respondent)</b> |
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**Held at:** Birmingham, remotely by Cloud Video Platform (CVP)

**On:** 2 and 3 August 2021

**Before:** Employment Judge T Coghlin QC

**Representation:**

**Claimant:** Mr Francis Mortin, counsel

**Respondent:** Mr David Mayor, former director

## **JUDGMENT**

1. The claimant's complaint of unfair dismissal succeeds. The claimant is awarded the sum of **£10,570.45**.<sup>1</sup>
2. For the purposes of Regulation 4(8) of the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, the tribunal is satisfied that in respect of each day falling within the period to which the prescribed element relates the employee has neither received nor claimed jobseeker's allowance, income-related employment and support allowance, universal credit or income support.

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<sup>1</sup> This comprises an award for loss of statutory rights in the sum of £300, and compensation for loss of earnings in the period from 3 April 2020 to 31 December 2020 inclusive (taking account of sums received by way of mitigation) in the sum of £10,270.45.

3. By consent:

- a. the claimant's claim of wrongful dismissal succeeds. No separate award is made in respect of this, to avoid double recovery with the compensatory award for unfair dismissal set out at paragraph 1 above (the sum otherwise payable would be the sum of £2,340 gross);
  - b. the claimant is entitled to a redundancy payment in the sum of **£2,362.50**;
  - c. the claimant's claim of unauthorised deductions from wages in respect of the week commencing 23 March 2020 succeeds, and the respondent is ordered to pay the claimant the sum of **£637.50** gross;
  - d. it is declared that the respondent failed to comply with its obligation to provide the claimant with any itemised pay statements as required by section 8 Employment Rights Act 1996 from 12 May 2019 until his employment ended on 2 April 2020.
4. The respondent having failed to provide the claimant with a statement of employment particulars as required by section 1 Employment Rights Act 1996, the respondent is ordered to pay the claimant the further sum of **£1,050** (representing two weeks' pay capped at £525 per week) pursuant to section 38 Employment Act 2002.

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.

Employment Judge Coghlin QC

4 August 2021