



EMPLOYMENT TRIBUNALS

Claimant: Mr A. Shidane
Respondent: Dahabshiil Money Transfer Services
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 11 August 2021
Before: Employment Judge Massarella

Representation
Claimant: Mr P. Grindley (Solicitor)
Respondent: Mr M. Howson (Consultant)

JUDGMENT

The Tribunal's judgment is as follows:

1. the Respondent is ordered to pay to the Claimant the sum of £22,987.92, calculated as follows:
 - net weekly salary: £650.07;
 - 44 weeks x £650.07 = £28,603.08;
 - monthly employer pension contribution on this salary: £92.54;
 - 10 months x £92.54 = £925.40;
 - between April and July 2021, the Claimant earned (£3,072.10) and he gives credit for that;
 - subtotal with credit for earnings = £26,456.38;
 - applying a *Polkey* reduction of 15% to that figure, total loss of earnings is £22,487.92;
 - the Claimant is also entitled to an award for loss of statutory rights of £500;

- the position in relation to recoupment is set out in the Appendix to this judgment.

Employment Judge Massarella
Date: 11 August 2021

APPENDIX 1: (MONETARY AWARDS)

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance and Income Support

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 and SI 2010 No 2429 Reg 5.

- (a) Monetary award: £22,987.92 (the total of the award).
- (b) Prescribed element: £22,487.92 (the amount of lost earnings suffered by the Claimant in the prescribed period).
- (c) Period to which (b) relates: 9 May 2020 to 13 March 2021 (the period of loss for which the Claimant is being compensated).
- (d) Excess of (a) over (b): £500.

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 Support Allowance 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.

Only the prescribed element (item (b) above) 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 (item (d) above) 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.

Notes

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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