



EMPLOYMENT TRIBUNALS

Claimant: Mr M Boyle

Respondent: The Birmingham and Midland Institute

Heard at: Birmingham Employment Tribunal (by CVP)

On: 19 August 2021

Before: Employment Judge Mark Butler

Representation

Claimant: In person (with Ms J Boyle, the claimant's sister in attendance)

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

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was CVP. A face to face hearing was not held because of the ongoing pandemic and all issues could be determined in a remote hearing.

JUDGMENT

1. It is the judgment of the Tribunal that the complaint of unfair dismissal and a redundancy payment is well-founded and succeeds.
2. The respondent is ordered to pay the claimant £12,330.30 (subject to the Recoupment Regulations as detailed below)
3. The calculation of the award is at Annex 1.
4. Recoupment applies, and in this regard I refer the parties to Annex 2.
5. For the purpose of the Recoupment Regulations therefore:
 - a. The monetary award is £12,330.30.
 - b. The prescribed element is £10,711.26.
 - c. The period to which the prescribed element relates is 30 September 2020 until 29 June 2021.
 - d. The amount by which the monetary award exceeds the prescribed element is £1,619.04.

Employment Judge **Mark Butler**

Date__19 august 2021__

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.

Public access to employment tribunal decisions

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.

ANNEX 2 RECOUPMENT

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

The Tribunal has awarded compensation to the Claimant but not all of it should be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit or Income Support which it 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 is sent to the parties.

The Tribunal's judgment states the total monetary award made to the Claimant and an amount called 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 DWP sends the Recoupment Notice, the Respondent must pay the amount specified in the Notice by the Department. 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 Department informs the Respondent that it does not intend 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 DWP. If the Claimant disputes the amount in the Recoupment Notice, the Claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the DWP.