



# EMPLOYMENT TRIBUNALS

**Claimant**

Ms E Du Cane

v

**Respondent**

Husen Moda Limited

**Heard at:** Watford Employment Tribunal

**On:** 7 September 2021

**Before:** Employment Judge Dobbie (sitting alone) by CVP

**Appearances**

**For the Claimant:** In Person

**For the Respondent:** Ms Wood (litigation consultant)

## JUDGMENT

1. The Respondent's application, dated 6 September 2021, to reconsider the decision of Employment Judge Tobin dated 15 August 2021 (in which the Respondent was debarred from participating in proceedings) is refused for the reasons given orally at the hearing.
2. The Claimant is awarded compensation for unfair dismissal in the sum of £26,162.50 made up as follows (and subject to recoupment):
  - a. A basic award of £2,502.50
  - b. A compensatory award of £23,660.00
3. The Respondent shall pay the Claimant damages of £605.65 in respect of notice pay.
4. The Respondent shall pay £10,374.00 to the Claimant in respect of damages for holiday pay.
5. The recoupment provisions apply to part of the compensatory award (as described in the attached Annex) as follows:
  - (a) The total monetary award is £37,142.15

- (b) The Prescribed Element is £23,260.00, which was the statutory cap applicable to the Claimant, being a year's gross pay. Her actual losses were calculated to be £54,918.75, but this was subject to the statutory cap. Thus, the compensatory award was reduced by 57% as a result of the statutory cap (which reduction should be reflected in the sums recouped for the relevant period).
- (c) The period to which the Prescribed Element relates is 18 September 2019 to 7 September 2021.
- (d) The monetary award exceeds the Prescribed Element by £13,882.15.

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**Employment Judge Dobbie**

Date: .....10<sup>th</sup> September 2021

Sent to the parties on: 11.10.2021 ..  
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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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