



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Stephen William Eaton

v

William Diggins

**Heard at:** Cambridge (by CVP)

**On:** 12 November 2021

**Before:** Employment Judge Ord

## Appearances

**For the Claimant:** In person

**For the Respondent:** Not present and was not represented

## JUDGMENT

1. The Claimant was unfairly dismissed.
2. The Claimant was dismissed in breach of contract.
3. The principal reason for the Claimant's dismissal was redundancy but he was unfairly selected for redundancy.

## REASONS

1. The Claimant was born on 2 February 1959. His wage at the Respondent's employment was £250 per week gross, £225 per week net.
2. The Claimant was dismissed on 18 July 2020. The stated ground for dismissal was gross misconduct, but the principal reason for his dismissal was redundancy.
3. From 15 August 2020 until 10 September 2020, the Claimant did no work.
4. From 11 September 2020 until 14 May 2021, the Claimant secured temporary part time work. His earnings from that work were, gross and net, £100 per week. That employment ended on 14 May 2021. The Claimant is endeavouring to obtain work and has been available to do so since 14 May 2021.

5. Based on evidence relating to the availability of work, his remaining health issues and the difficulties he is experiencing in securing alternative work, I award a period of future loss of a further 26 weeks.

## REMEDY JUDGMENT

6. Accordingly, the Claimant has Judgment for the following sums:
- 6.1 Breach of Contract £900 (the Claimant was entitled to four weeks' notice pay at the rate of £225 per week net);
- 6.2 A statutory redundancy payment of £1,500 (£250 x 4 x 1.5);
- 6.3 Compensation for unfair dismissal:
- 6.3.1 Period 1 - 15.08.20 to 10.09.20, four weeks (total loss) at £225 per week = £900;
- 6.3.2 Period 2 – 11.09.20 to 14.05.21, 35 weeks at £125 per week (earning £100 per week, not £225) = £4,375.00 ;
- 6.3.3 Period 3 – 14.05.21 to date, 26 weeks at £225 per week = £5,850;
- 6.3.4 Future Loss – 26 weeks at £225 per week = £5,850
- Total Compensatory Award for unfair dismissal is £16,975.00
- 6.4 The recoupment provisions apply. The protected period is 18 July 2020 to 16 October 2020. The protected sum is £1,525.00
7. Accordingly, the total award to the Claimant is in the sum of **£19,375.00**

15 November 2021

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Employment Judge Ord

Sent to the parties on .

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For the Tribunal Office