

EMPLOYMENT TRIBUNALS

Claimant

Miss M Slupecka-Grabarz

-v-

Respondent

Olag Trans Ltd

(in member's voluntary liquidation)

FINAL MERITS HEARING

(conducted by the Cloud Video Platform)

Heard at: **Birmingham**

On: **21 January 2022**

Before: **Employment Judge Perry** (sitting alone)

Appearances

For the Claimant **in person**

For the Respondent **no appearance** *(not entitled to appear - response rejected as out of time)*

JUDGMENT

A liability Judgment was promulgated on 10 September 2021 by Employment Judge [Jennifer] Jones with remedy to be determined at a later date (today).

Having heard from the claimant I have determined as follows.

1. The respondent made an unlawful deduction from the claimant's wages pursuant to Part II of the Employment Rights Act 1996. The respondent is ordered to pay £844.00 gross to the claimant in relation to her July and August 2020 pay.
2. The claimant was dismissed in breach of contract on 5 August 2020. The respondent is ordered to pay £549.00 gross as damages to the claimant representing her statutory notice entitlement of 3 weeks (5 August to 26 August 2020).
3. The claimant's unfairly dismissal complaint is well founded. She was dismissed by the respondent on 5 August 2020.
4. The respondent was in breach of its duty to the claimant pursuant to section 1(1) and/or 4(1) of the Employment Rights Act 1996. The respondent is ordered to pay an additional 4 weeks pay to the claimant pursuant to Section 38 of the Employment Act 2002.
5. The respondent is ordered to pay to the claimant the sum of £19,086.00 (calculated as follows) as compensation for unfair dismissal.

Basic Award (Age 43 at dismissal, 3 complete years, multiplier: 4, £183 gross per week)	£732.00
Compensatory Award	
<i>Prescribed element</i> – loss of wages (26 August 2020 to 21 January 2022, 73 weeks at £173 net per week)	£12,629.00

	<i>Non Prescribed element</i>	
	Future loss of wages (21 January 2022 to 26 August 2022, 31 weeks at £173 net per week)	£5,363.00
	Loss of statutory rights	£350.00
	Failure to provide s.1/4 statement ERA 1996 & s.38 EA 2002 (4 weeks)	£732.00
	Total	£19,806.00

6. The Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 do apply. The monetary award is £19,806.00. The amount of the prescribed element is £12,629.00. The period to which the monetary award is attributable is 26 August 2020 to 21 January 2022. The amount by which the monetary award exceeds the prescribed element is £7,177.00.

Signed electronically by me

Employment Judge Perry

Dated: 21 January 2022

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.