



EMPLOYMENT TRIBUNALS

Claimant: Mr J Samuels

Respondent: Claritum Ltd

Determined on paper by EJ Christensen

Represents considered from

Claimant: Ms L Millin Counsel

Respondent: Ms Hawes of Browne Jacobson

UPON APPLICATION made by the respondent by letter dated **21 December 2021** to reconsider the remedy judgment dated **6 December 2021** under rule 71 of the Employment Tribunals Rules of Procedure 2013]

AND UPON the parties being asked by letter dated **14 January 2022** for their views no later than **28 January 2022**, on whether the application can be determined without a hearing and claimant expressing a view by letter dated **23 January 2022** that the application can be determined on paper and the respondent expressing no view on this I am satisfied that the application can be determined without a hearing.

RECONSIDERATION JUDGMENT

The remedy judgment, arising from the remedy hearing that took place on 22, 23 & 24 November 2021 and sent to the parties on 6 December 2021 is varied.

Paragraph 9 is varied so that it now states as follows

9. The ACAS Code of Practice on Disciplinary Procedures applied and the respondent unreasonably failed to comply with it. It is just and equitable to increase the compensatory award, in accordance with S118(1)(b) Employment Rights Act, by 25%.

Paragraph 12 is varied so that it now states as follows

12. The respondent was in breach of its duty to give the claimant a written statement of employment particulars when these proceedings began. It is just and equitable to award 4 weeks pay. The claimant is awarded a figure of £2032 (4 x £508 which accounts for the statutory cap accordance with S38(6) Employment Rights Act 2002).

REASONS

1. I have considered the application from the respondent dated 21 December 2021 and in which the respondent sets out how paragraphs 9 & 12 are not compliant with the relevant legislation in relation to paragraphs 9 & 12 of the Remedy Judgement. Those appear well grounded in terms of the relevant statutory provisions.
2. I have considered the claimant's response dated 23 January 2022. Those do not satisfy me that there is any proper basis not to accede to the respondent's application for reconsideration. Accordingly the application is granted.

Employment Judge Christensen
Date: 28 January 2022

Judgment sent to parties: 1 February 2022

FOR THE TRIBUNAL OFFICE