



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

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**Case No: 4104561/2020 (V)**

**Held on 17-20 May and 2 November 2021 (and in chambers on 3 November  
and 20 December 2021)**

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**Employment Judge Cowen  
Tribunal Member Ms Hossack  
Tribunal Member Mr Atkinson**

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**MrsT MacLean**

**Claimant  
Represented by  
Mr D MacLean  
(Husband)**

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**Kura (CS) Limited  
Response (building Rewarding Relationships)  
Ltd and Rhl Direct Ltd**

**Respondent  
Represented by  
Mr Hay (Counsel)**

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**UPON APPLICATION** made by letter dated **31 December 2021** to reconsider the judgment dated **[23 December 2021]** under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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1. The compensation awarded to the claimant for unfair dismissal shall be subject to the following:-

a. The monetary award of the Tribunal is £27,861.30

**E.T. Z4 (WR)**

- b. The prescribed element is £19,974.71
- c. The prescribed period is 2 July 2020 to 2 November 2021
- d. The amount by which the monetary award exceeds the prescribed element is £7,886.59.

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2. The payment by the respondent of the prescribed element shall be sisted pending the Secretary of State serving a recoupment notice on the respondent, or notifying the respondent in writing that there is no intention to serve a recoupment notice.

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3. The payment by the respondent of the excess, as set out in 1d) above shall be paid within 14 days, if they have not already done so.

### REASONS

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4. The claimant applied for reconsideration of the judgment of the Tribunal to take account of the DWP payment of Jobseekers' Allowance to the claimant and to set out the details required in relation to the prescribed element and prescribed period for the purposes of recoupment.

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5. The respondent replied to agree that the Tribunal was required to follow Regulation 4, 7 and 8 of the Employment Protection (Recoupment of Benefits) Regulations 1996.

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6. The Tribunal therefore considered that the compensatory element during the prescribed period amounted to £33,103.61 (including the ACAS uplift).

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7. The total compensatory amount (prior to the statutory cap) amounted to £39,360.76. This was reduced to £23,750.64 by the statutory cap. A reduction of 39.66%

8. Applying the same deduction to the benefits received (£1933.11) amounts to £1372.50.

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**Employment Judge Cowen**

**Dated: 23 February 2022**

10 **Date sent to parties: 23 February 2022**