



# EMPLOYMENT TRIBUNALS

**CLAIMANT:** Mrs A M Gaffing

**FIRST RESPONDENT:** Pals Packaging and Leisure Solution 2 Limited  
**SECOND RESPONDENT:** Food and Fuel Break Limited

**HELD AT:** Newcastle (by video)      **ON:** 11 March 2022

**BEFORE:** Employment Judge Moss

**REPRESENTATION:**

**Claimant:** In person  
**First Respondent:** Mr J Singh  
**Second Respondent:** Not in attendance

## JUDGMENT

1. The claims for unfair dismissal and unauthorised deductions from wages against the first respondent are dismissed upon withdrawal.
2. Upon the claimant's successful complaint that the second respondent made an unlawful deduction from her wages, the second respondent shall pay to the claimant the sum of **£362.75**. This is the gross sum due to the claimant for holiday entitlement that had accrued and remained untaken at the date of dismissal.
3. Upon the claimant's successful complaint against the second respondent for unfair dismissal, the second respondent shall pay to the claimant a basic award of **£1738.67** and a compensatory award of **£3175.52** calculated as follows:

### Basic Award

The claimant had nine complete years of service and was 66 years of age at the date of dismissal. The claimant's gross pay was £128.79 per week. The relevant age multiplier is 1.5 = **£1738.67**

Compensatory Award

Immediate loss – 69 weeks at £112.23 (£7743.87)

Reduced to 26 weeks for failure to mitigate notional earnings = **£2917.98**

No award for future loss of earnings was made in the circumstances.

Loss of statutory rights – 2 weeks at £128.79 = **£257.54**.

Total compensatory award = **£3175.52**

4. The recoupment provisions are not applicable in this case.

Note: This has been a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V - video. It was not practicable to hold a face to face hearing because of the Covid19 pandemic and all issues could be determined in a remote hearing.

Employment Judge Moss

Date 11 March 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.