



EMPLOYMENT TRIBUNALS

Claimant: Mr M Chick
Respondent: Applied Power Services (South Western) Limited
Heard at: Cardiff **On:** 7 and 8 April 2022
Before: Employment Judge R Harfield

Representation:

Claimant: Mr Cowley (CAB)
Respondent: Ms Williams (legal representative)

JUDGMENT

1. The holiday pay claim is dismissed upon withdrawal.
2. The claimant was constructively unfairly dismissed.
3. The claimant was constructively wrongful dismissed.
4. The claimant is awarded:
 - (a) For wrongful dismissal £2531.25;
 - (b) For unfair dismissal a basic award of £1139.07 and a compensatory award of £767.18.
5. I make a recoupment order as follows. Pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996 the above calculations have been undertaken without regard to the claimant's receipt of ESA and Universal Credit which Jobcentre Plus may potentially recoup. The attached Annex explains the workings of the recoupment provisions. The monetary award is £4437.50. The prescribed element is

£617.18 (loss of earnings of £2057.25 less 70% contributory conduct.)
The date of the period to which the prescribed element relates: 5/10/2010
to 8/4/2022. The amount by which the monetary award exceeds the
prescribed element: £3820.32.

Employment Judge R Harfield

Dated: 8 April 2022

JUDGMENT SENT TO THE PARTIES ON 12 April 2022

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS Mr N Roche

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.