



EMPLOYMENT TRIBUNALS

Claimant: Ms R Hanson

Respondent: Sedbury Takeaway Limited

Heard at: Cardiff (CVP) **On:** 26 May 2022

Before: Employment Judge R Evans

Representation

Claimant: In person

Respondent: No attendance

JUDGMENT (Remedy)

1. Further to the judgment of 6 January 2022, the Respondent shall pay the Claimant as compensation for unfair dismissal the sum of **£2,870.77** as follows:

Basic award	£464.00
Compensatory award (Inclusive of £250.00 loss of statutory rights)	£2,406.77

2. For the purposes of *regulation 4 Employment Protection (Recoupment of Benefits) Regulations 1996*:

- a. The prescribed element is: £2,128.37.
- b. The prescribed period is: 15 January 2021 to 26 May 2022.
- c. Total monetary award for unfair dismissal is: £2,870.77.
- d. Excess of total monetary award over prescribed element is: £742.40.

3. For the avoidance of doubt the figure at 2(a) above is net any loss of statutory rights.

4. £742.40 is payable to the Claimant by the Respondent immediately.
5. The parties are referred to the annex to this judgment in respect of the recoupment provisions. Some of this needs to be paid immediately (para 4) and some needs to be retained by the Respondent pending receipt of a recoupment notice.
6. The claimant is responsible for any income tax or employee national insurance contributions that may be due on the sums awarded.

Signed by Employment Judge R Evans

Date - 26 May 2022

JUDGMENT SENT TO THE PARTIES ON 31 May 2022

FOR THE TRIBUNAL OFFICE Mr N Roche

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

ANNEX TO THE JUDGMENT OF THE TRIBUNAL

Statement Relating to the Recoupment of Jobseekers Allowance, etc

1. The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 SI 1997 2349.
 - (a) Monetary award: £2,870.77
 - (b) Prescribed element: £2,128.37
 - (c) Period to which (b) relates: 15 January 2021 to 26 May 2022.
 - (d) Excess of (a) over (b): £742.40.
2. The Claimant(s) may not be entitled to the whole monetary award. Only (d) is payable forthwith; (b) is the amount awarded for loss of earnings during the period under (c) without any allowance for jobseekers allowance, income-related employment and support allowance, or income support received by the Claimant in respect of that period; (b) is not payable until the Department of Employment has served a notice (called a Recoupment Notice) on the Respondent(s) to pay the whole or a part of (b) to the Department (which it may do in order to obtain repayment of unemployment, or social security, benefit paid to the Claimant(s) in respect of that period) or informs the Respondent(s) in writing that no such notice will be served. The sum named in the Recoupment Notice, which will not exceed (b), will be payable to the Department. The balance of (b), or the whole of it if notice is given that no Recoupment Notice will be served, is then payable to the Claimant(s).
3. The Recoupment Notice must be served within the period of 21 days after the conclusion of the hearing or 9 days after the Judgment is sent to the parties, (whichever is the later), or as soon as practicable thereafter, when the Judgment is given orally at the Hearing. When the Judgment is 'Reserved', the notice must be sent within a period of 21 days after the date on which the Judgment is sent to the parties, or as soon as practicable thereafter.
4. The Claimant(s) will receive a copy of the Recoupment Notice and should inform the Department of Employment in writing within 21 days if the amount claimed is disputed. The Tribunal cannot decide that question and the Respondent(s), after paying the amount under (d) and the balance (if any) under (b), will have no further liability to the Claimant(s), but the sum claimed in a Recoupment Notice is due from the Respondent(s) as a debt to the Department whatever may have been paid to the Claimant(s) and regardless of any dispute between the Claimant(s) and the Department.