



EMPLOYMENT TRIBUNALS

Claimant: Mr S MCGUIRK

Respondent: EPIC PUB COMPANY LIMITED IN VOLUNTARY LIQUIDATION

Heard at: Watford via CVP

On 26 May 2022

Before: Employment Judge Taylor

Appearance:

For the Claimant: Mr S Wood

For the Respondent: Not in attendance and no representative attended

JUDGMENT

1. The Claimant was dismissed within the meaning of section 95 of the Employment Rights Act 1996 on 22 January 2019.

2. The dismissal was unfair.

3. The Respondent shall pay the Claimant compensation amounting to **£28,668.00**

Calculated as follows;

Basic award – $2 \times £508 = £1016$

Compensatory award $6.2 \times £3,568 = £22,121.60$

(from 23 April 2019 – the end of the notice period to 27 October 2019 the day before new employment started.)

25% uplift for failure to follow the ACAS Code of Practice - £5,530.40

Total - £28,668.00

4. The Claimant's breach of contract claim is well founded, and the Respondent shall pay the Claimant **£7,567.92**.

Calculated as follows;

Notice period – 3 months.

Pay £3,568 x 3 = £10,704

Less sums already paid - £3,136.08

Amount due - £ 7567.92

5. The Claimant's claim in respect of holiday pay is well founded and the Respondent shall pay the Claimant for 12.5 days of holiday **£2,058**

6. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 applies to the unfair dismissal compensatory award. The prescribed period is 23 January 2019 to 27 October 2019. The prescribed element is £27,652. The total award for all claims is £38,293.92. The amount over the prescribed element is £10,461.

NOTE

1. The respondent will not be required to make any payment of the prescribed element of the award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State will normally serve such recoupment notice or notification on the employer within 21 days after the Tribunal's Judgment was sent to the parties.

2. The prescribed period is 23 January 2019 to 27 October 2019. The prescribed element is £27,652. The total award for all claims is £38,293.92. The amount over the prescribed element is £10,461, this is payable by the respondent to the claimant immediately.

10/6/2022

Employment Judge **Taylor**

JUDGMENT SENT TO THE PARTIES ON

16/6/2022

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FOR THE TRIBUNAL OFFICE

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.