



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Mr M Harbottle

Respondent: Mr M Kemp

Heard at: Newcastle Hearing Centre (by CVP)

On: 8 July 2022

Before: Employment Judge Morris (sitting alone)

Representation:

Claimant: In person

Respondent: Not present, the response having been dismissed

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

- 1) The claimant's complaint under Section 111 of the Employment Rights Act 1996 that he was dismissed by the respondent (in that the claimant terminated his contract of employment in circumstances in which he was entitled to terminate it without notice by reason of the respondent's conduct as provided for in Section 95(1)(c) of that Act) and that that dismissal was unfair contrary to Section 94 of that Act, by reference to Section 98 of that Act, is well-founded.
- 2) In respect of that unfair dismissal the Tribunal makes an award of compensation of £5,529.67, which the respondent is ordered to pay to the claimant, comprising the following elements:
 - a. a basic award of £1,463.55;
 - b. a compensatory award of £4,066.12.
- 3) That compensatory award has been calculated as follows:
 - a. compensation for loss of 20 weeks' net pay – £3,716.12;
 - b. loss of 'statutory rights' – £350.

- 4) The Recoupment Regulations apply to the above award of compensation for unfair dismissal (the effect of which is explained in the document that is annexed to this Judgment) in respect of which the Tribunal sets out the following particulars:
- a. the monetary award is £5,529.67;
 - b. the amount of the prescribed element is £3,716.12;
 - c. the dates of the period to which the prescribed element is attributable are 13 December 2021 to 2 May 2022;
 - d. the amount by which the monetary award exceeds the prescribed element is £1,813.55.

EMPLOYMENT JUDGE MORRIS

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 9 July 2022**

Notes

1. This was a remote hearing, which had not been objected to by the parties. It was conducted by way of the Cloud Video Platform as it was not practicable to convene a face-to-face hearing, no one had requested such a hearing and all the issues could be dealt with by video conference.
2. Reasons for the above Judgment having been given orally at the hearing, and no request having been made at the hearing, written reasons will not be provided unless a written request is presented within 14 days of the sending of this written record of the Judgment.

Public access to employment Tribunal decisions

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

