



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms C Smith

**Respondent:** Alnmaritec Limited (in Creditors Voluntary Liquidation)

**At:** East London Hearing Centre

**On:** 27 October 2022

**Before:** Employment Judge Brewer

**Representation:** Decided on the papers

## JUDGMENT

The claimant is awarded the following sums:

1. A compensatory award for unfair dismissal of £22,701,64
2. An award for loss of statutory rights of £450.00
3. Injury to feelings in respect of disability discrimination in the sum of £12,500.00.

Grossing up has been applied to the balance over £30,000.00 and the total amount payable to the claimant is **£37,064.55**

## REASONS

1. These proceedings were presented by the claimant on 25 November 2021. The respondent did not defend the claim and a default judgement was issued on 21 July 2022. That judgement determined that the claimant's dismissal was both unfair and an act of disability discrimination.
2. In preparation for the remedy the claimant has provided a bundle of documents and a witness statement along with a detailed schedule of loss.

3. The claimant had been represented by solicitors but unsurprisingly, given her financial circumstances and the fact that the respondent is in creditors voluntary liquidation, those solicitors were not instructed to attend a remedy hearing and in effect asked that the matter be dealt with on the papers.
4. I consider that rules 41, 47 and the overriding objective of the Employment Tribunal rules 2013 Enable me to undertake the hearing on the papers particularly given the circumstances of this case and I have done so.
5. The claimant has made reasonable efforts to mitigate her losses and her assessment of injury to feelings is not unreasonable.
6. The claimant has received a redundancy payment from the Respondent along with notice pay. In the circumstances the claimant is not entitled do a basic award by virtue of section 122(4) of the Employment Rights Act 1996.
7. The claimant is entitled to a compensatory award, and I award her the sum of £23,151.64. This is made up of loss of earnings of £22,701.64 and the sum of £450.00 to reflect her loss of statutory rights.
8. In relation to injury to feelings I award the claimant the sum of £12,500.00.
9. Given that these sums are compensation for termination, the total sum should be taxable under section 401 Income Tax Earnings and Pensions Act 2003 under which the first £30,000 is tax exempt. This means that the claimant would be taxed on the balance of £5,651.64. I have therefore applied grossing up to this sum giving total compensation of £37,064.55.

**Employment Judge Brewer**  
**Dated: 27 October 2022**