



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. D. Mass

**Respondent:** Bark & Birch Ltd

**Heard at:** Bristol ET, via VHS

**On:** 13 December 2022

**Before:** Employment Judge G. King

## Representation

Claimant: In person

Respondent: Did not attend

# JUDGMENT

1. The Respondent shall pay the Claimant the sum of £10,748.88. This sum is comprised of:

### Prescribed element:

2. Previous net average pay from 3 January 2022 until 4 April 2022 (12 weeks) = £4,595.26.
3. Difference between previous net average pay and new net average pay from 5 April until 13 December (36 weeks) = £1,107.69.
4. The total is £5,702.95. This is subject to an increase of 25% for the Respondent's breach of the ACAS Code of Practice on Disciplinary and Grievance Procedures. The total is therefore increased to £7,128.69.

### Non-prescribed element:

5. Future losses of difference between previous net average pay and new net average pay for 26 weeks = £800.00.
6. Loss of pension contributions = £173.08.
7. Loss of statutory rights, healthcare, dental, and pension benefits = £1,923.08.
8. The total is £2,896.15. This is subject to an increase of 25% for the

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Respondent's breach of the ACAS Code of Practice on Disciplinary and Grievance Procedures. The total is therefore increased to £3,620.19.

9. For the purposes of Regulation 4 of the Employment Protection (Recoupment of Benefits) Regulations 1996:
  - a. The Prescribed Element is £7,128.69.
  - b. The Prescribed Period is 3 January 2022 and 13 December 2022.
  - c. The total monetary award is £10,748.88.
  - d. The excess of the total monetary award over the Prescribed Element is £3,620.19

Employment Judge G. King  
Date: 13 December 2022

Judgment sent to the Parties: 29 December 2022

FOR THE TRIBUNAL OFFICE

Note

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.