



EMPLOYMENT TRIBUNALS

Claimant: Mr Edward Martin Drake

Respondent: Drive Software Solutions Limited

REMEDY JUDGMENT

The Claimant is awarded **£100,331.50** comprising the following amounts in respect of his claim for unfair dismissal.

1. Basic award of **£13,387.50** calculated as follows:
 - a. The Claimant was 62 at the date of dismissal and had completed 17 years' service. He is entitled to one and a half weeks' pay for each complete year of service, subject to the statutory maximum.
 - b. The Claimant's gross pay was £1,845.00 per week. This exceeds the statutory maximum, which therefore applies to this award.
 - c. The total basic award before any deductions and applying the statutory maximum of £525 (in 2019/2020) is therefore £13,387.50. (17 x 1.5 x £525).
2. Compensatory award of **£86,444.00** calculated as follows:
 - a. EDT to remedies hearing 23/3/20 – 16/12/22, less period of employment from 1 November 2021, the date on which it was reasonable for the Claimant to find new employment (based on his comprehensive evidence of mitigation). This award is subject to the statutory cap of £86,444 (the limit for dismissals in the period 06/04/2019 to 05/04/2020, which applies to the claimant as he was dismissed on 23 March 2020) as the Claimant's 52-week salary at that time exceeds the cap.
 - b. An uplift award of 25% is applied due to the Respondent's failure to apply the ACAS code. This award falls within the statutory cap.
3. An award of **£500.00** for loss of Statutory Protection.

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4. The judgment was made in default under Rule 21 of the Employment Tribunals Rules of Procedure on the basis the response was struck out. Therefore, the Tribunal does not make any deduction under s122 (2) for contributory conduct.

Employment Judge Hutchings

16 December 2022

JUDGMENT SENT TO THE PARTIES ON

26/1/2023

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FOR THE TRIBUNAL OFFICE