



EMPLOYMENT TRIBUNALS

Claimant: Mr Simone Rigoni

Respondent: Fonmigo Limited

Heard at: London Central (by video)

On: 20 April 2023

Before: Employment Judge C H O'Rourke

Representation:

Claimant: in person

Respondent: Mr D Paulson - HR

JUDGMENT

1. As conceded by the Respondent, it unfairly dismissed the Claimant.
2. The Respondent is ordered to pay the Claimant the sum of £79,999.92 (as set out in the attached schedule and as amended from the oral judgment).

Employment Judge O'Rourke

Dated: 20 April 2023

JUDGMENT SENT TO THE PARTIES ON

20/04/2023

FOR THE TRIBUNAL OFFICE

Remedy Schedule

Basic Award

1 week x 10 years' service x £571.00	<u>£5710.00</u>
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Compensatory Award

Loss of Earnings from 30 July 2022 to date of hearing 38 weeks @ £1442.00	£54,807.40
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Loss of statutory rights	£500.00
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<u>Sub-total</u>	<u>£55,307.40</u>
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Less

Pay in lieu of notice	(£17,307.69)
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Sums earned in mitigation	(£9776.05)
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<u>Sub-total</u>	<u>(£27,083.74)</u>
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<u>Total Loss to Date of Hearing</u>	<u>£28,223.66</u>
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Future Loss of Earnings

52 weeks x £1587.14	£82,531.00
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Less

Future mitigation, based on current earnings 52 weeks x £407.33	(£21,181.16)
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<u>Total Future Loss</u>	<u>£61,349.84</u>
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No uplift for breach of the ACAS Code

<u>Grand Total</u>	£95,283.50
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Application of Statutory Cap Section 124(1ZA) ERA states that the statutory limit shall be the lower of a set amount (at the time £93,878.00), or the product of 52 multiplied by a week's pay of the employee concerned — S.124(1ZA)(b).

The Claimant's pay slips at the time of dismissal [e.g. 62] indicate monthly gross pay of £6666.67, which x 12 ÷ 52 gives a

weekly gross pay of £1538.46
52 x £1538.46 gives a **Capped Award of**

£79,999.92

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.