



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

AMENDED JUDGMENT

(Subject to Rule 69 Tribunal's Rules of Procedure 2013)

1. As conceded by the Respondent, it unfairly dismissed the Claimant.
2. The Respondent is ordered to pay the Claimant the sum of £85,709.92 (as set out in the attached schedule and as amended from the oral judgment).

Employment Judge O'Rourke

Dated: 20 April 2023

Re-dated: 5 May 2023

AMENDED JUDGMENT SENT TO THE
PARTIES ON

10/05/2023

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 Compensatory Award</u>	£89,573.50
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Application of Statutory Cap Section 124(1ZA) ERA states that the statutory limit for the Compensatory Award 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 $\times 12 \div 52$ gives a weekly gross pay of £1538.46

52 x £1538.46 gives a **Capped Compensatory Award of** **£79,999.92**

Plus Basic Award **£ 5,710.00**

Grand total Award **£85,709.92**

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.