



EMPLOYMENT TRIBUNALS

Claimant: Mr A Borowczyk
Respondent: Lex Machinery Limited
Heard at: Reading Employment Tribunal (via CVP) On: 07 June 2023
Before: Employment Judge Hussain

Representation
Claimant: Attended, represented by Mr Elliott Stenson (counsel)
Respondent: Did not attend, not represented

JUDGMENT ON REMEDIES

Following the judgement dated 15 February 2023, where the claimants claim for unfair dismissal succeeded and the respondent was ordered to the pay damages for breach of contract in respect of notice in the sum of £1,463.85, redundancy pay in the sum of £2,451.90 and holiday pay in the sum of £402.82, it is adjudged as follows:

1. The respondent is ordered to pay compensation to the claimant for unfair dismissal, calculated as follows:

Compensatory Award:

Loss of earnings from 04 May 2022 to 01 June 2022	
£292.77 x 4 weeks	£1171.08
Loss of statutory rights	£500
Total	£1671.08

2. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award and attention is drawn to both the following paragraph and the Annex to this judgment.
3. The total monetary award made to the claimant is £1671.08 The prescribed element is £1171.08. The dates of the period to which the prescribed element

is attributable are 04 May 2022 to 01 June 2022. The total monetary award exceeds the prescribed element by £500.

Employment Judge Hussain

Date: 07 June 2023

JUDGMENT SENT TO THE PARTIES ON

30 June 2023

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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ANNEX TO THE JUDGMENT (MONETARY AWARDS)

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the Claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the Respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the Respondent to the Claimant immediately.

When the Secretary of State sends the Recoupment Notice, the Respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the Respondent must pay the balance to the Claimant. If the Secretary of State informs the Respondent that it is not intended to issue a Recoupment Notice, the Respondent must immediately pay the whole of the prescribed element to the Claimant.

The Claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the Claimant disputes the amount in the Recoupment Notice, the Claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the Secretary of State.