



EMPLOYMENT TRIBUNALS

Claimant: Mr H Umradia

Respondent: Department of Transport

JUDGMENT ON RECOUPMENT

1. The remedy judgment sent to parties on 13 October 2022 ordered that the Respondent must pay the Claimant £113,585.84. That was on the assumption that the Respondent complied with the reinstatement order, and also on the assumption that the reinstatement took effect from 7 November 2022.
2. By letter dated 15 November 2022, the parties have confirmed that reinstatement took effect from 7 November 2022. The net sum payable to the Claimant was £93,356.99.
3. The prescribed period was from the day after the dismissal until the second day of the remedy hearing. Thus the amount awarded to cover the period 5 October 2022 to 6 November 2022 was not part of the prescribed element. We had calculated that to be £82.87 per day gross. Pro rata, that is therefore £68.11 per day net. Thus, all but 33 x £68.11 (£2247.63) is part of the prescribed element.
4. For the purposes of the recoupment provisions:
 - a. The total monetary award £93,356.99 (after PAYE)
 - b. The prescribed element is £91109.36.
 - c. The period to which the prescribed element relates 13 November 2018 to 6 November 2022
 - d. The balance (the amount by which the monetary award exceeds the prescribed element) is £2247.63.

Employment Judge Quill

Date: 11 July 2023

Judgment sent to the parties on

26 July 2023

For the Tribunal office

**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.