



## **EMPLOYMENT TRIBUNALS**

**Claimant: Mr Jaspal Dub**

**Respondent: Menzies Aviation (UK) Ltd**

**Remedy Hearing**

**Heard at: Bury St Edmunds by video**

**On: 23 June 2023 and 3 July 2023**

**Before: Employment Judge Boyes (Sitting Alone)**

Representation

Claimant: Mr Davies, counsel

Respondent: Mr James, counsel (23/6/23) / Mr Bruce, solicitor (3/7/23)

### **JUDGMENT**

- 1. There is no order for reinstatement.**
- 2. The respondent shall pay compensation to the claimant for unfair dismissal of £31,373.68 made up as follows:**
  - a. There is no basic award**
  - b. A compensatory award of £31,373.68**

### **CALCULATION OF AWARD**

The parties have reached an agreement as to the calculation of the compensatory award as follows:

**BASIC AWARD**

**Total Basic Award: £0.00**

**COMPENSATORY AWARD**

Prescribed Element Immediate Loss (loss of earnings from 13/2/2021 (EDT) to date of remedy judgment (3/7/2023))

= £40,747.88

Non-Prescribed element other losses

(a) Loss of statutory rights - £500.00

(b) Loss of Profit on Share Options - £1,783.70

= £ 2283.70

**Less**

Less enhanced redundancy payment

= £16,399.00

Total (before grossing up) £ £40,747.88 + £2283.70 – 16,399.00 £ = £26,632.59

Additional sum in respect of grossing up

= £6141.64

**Total Compensatory award = £32,774.22**

**Compensatory Award after statutory cap applied = £31,373.68**

*As the compensatory award is reduced because it exceeds the statutory limit, the prescribed element must be reduced, for recoupment purposes only, by the same proportion as per Regulation 4(2) Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 (see calculation below).*

Statutory Cap applied proportionately to prescribed element:

$(32,774.22 - 31,373.68) \times 100 / 32,774.22 = 4.28\%$

$40,747.88 \times 0.96 = £39,006.60$

**Recoupment**

Regulation 4(3) of The Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996 apply and attention is drawn to both the following paragraph and the Annex to this judgment requires that the written judgment should include four specific particulars:

- (a) The monetary award: £ £31,373.68
- (b) The amount of the Prescribed Element: £ 39,006.60
- (c) The dates of the period to which the Prescribed Element relates: 13/2/2021 to 3/7/2023 (Benefit: Jobseeker’s Allowance)
- (d) The amount, if any, by which the monetary award exceeds the Prescribed Element: £0.00

---

**Employment Judge Boyes**

---

**Date: 13 July 2023**

**Judgment Sent to The Parties On**  
24 August 2023

.....  
.....  
**FOR EMPLOYMENT TRIBUNALS**

**Public access to Employment Tribunal decisions**

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

**ANNEX TO THE JUDGMENT**

**Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit and Income Support**

The Tribunal has awarded compensation to the claimant but not all of it should be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit or Income Support which it 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 should state the total Monetary Award made to the claimant and an amount called 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 DWP sends the Recoupment Notice, the respondent must pay the amount specified in the Notice by the department. 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 Department informs the respondent that it does not intend 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 DWP. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes which must be resolved directly between the claimant and the DWP.