



EMPLOYMENT TRIBUNALS

Claimant: Mr Griffin

Respondent: Mark Farwell Plant Hire Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: Southampton

On: 29 to 31 August 2023

Before: Employment Judge Gray

Appearances

For the Claimant: In person assisted by Miss Smith

For the Respondent: Miss Jones (Counsel)

JUDGMENT

The Judgment of the Tribunal is that:

- **Holiday Pay**
 - By consent the Respondent agrees to pay to the Claimant the sum of **£341 gross** in lieu of accrued but untaken holiday pay (22 hours x £15.50).

- **Unfair Dismissal**
 - The complaint of unfair dismissal succeeds. The Claimant was dismissed without fair process, as accepted by the Respondent.

 - The Claimant is awarded a **BASIC AWARD** of 6.5 x £571 (applying the relevant cap to a weeks pay) = **£3,711.50**.

 - However, it is found that there was a fair reason for the dismissal and that dismissal fell within the band of reasonable responses, and that the Claimant would have been fairly dismissed on the 8 December 2022, so the Claimant is awarded a **COMPENSATORY AWARD** of **£1,123.38** which is calculated as follows:

- **Net earnings between the 21 October 2022 and 8 December 2022 (a period of 6.8 working weeks) would be £547.31 net a week plus £18.49 a week employer pension contributions = £565.80 x 6.8 = £3,847.44 of which £2,637.41 net and employer pension contributions of £86.65 (£17.33 x 5) have already been paid totalling £2,724.06. This means the Claimant is due £1,123.38.**

Employment Judge Gray
Dated 31 August 2023

Judgment sent to Parties on 18 September 2023

For the Tribunal Office

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.