



EMPLOYMENT TRIBUNALS

Case No: 1302862/2022

Claimant: MRS CAROL JONES

Respondent: ASDA STORES LTD

Heard at: Midlands West ET (in person)

On: 13, 14, 16, 17 November 2023

Before: Employment Judge Ali

Members: Mrs R Forrest
Mr P Simpson

Representation

Claimant: In person
Respondent: Ms Susan Chan (Counsel)

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The unanimous Judgment of the Tribunal is:

1. The Claimant's complaint of unfair dismissal succeeds.
2. The Claimant's complaint of direct sex discrimination is dismissed on withdrawal.
3. The Claimant's complaints of direct age discrimination, harassment related to age and of unlawful deduction from wages are not well founded and are dismissed.
4. The Claimant is awarded damages in the total sum of £27,924.06.
5. The Recoupment Regulations apply. For the purposes of the recoupment regulations:
 - (1) The total monetary award made to the claimant is £27,924.06.
 - (2) The amount called the prescribed element is £12,571.20.
 - (3) The dates of the period to which the prescribed element is attributable are 8 February 2022 to 20 September 2022.
 - (4) The amount by which the monetary award exceeds the prescribed element is £15,352.86.

Employment Judge Ali

Date: 17 November 2023

Note

Written reasons will not be provided unless 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.

Claimant: MRS CAROL JONES

Respondent: ASDA STORES LTD

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.