



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs L Welborn

**Respondent:** Denis O' Dowd trading as Garden Market Butchers Ltd  
(in voluntary liquidation)

**Heard at:** Birmingham by CVP **On:** 17<sup>th</sup> November 2023

**Before:** Employment Judge L Knowles

## Representation

Claimant: Mrs Lisa Welborn – in-person

Respondent: Not in attendance

# JUDGMENT

The Judgment of the Employment Tribunal is as follows:

1. The claim for unfair dismissal succeeds and the respondent must pay the claimant the sum of **£6,405** as a compensatory award which has been calculated as follows:
  - a. The claimant was unemployed from 10<sup>th</sup> December 2020 until 20<sup>th</sup> September 2021: 40 weeks x £183 net per week = £7,320 less notice pay awarded for wrongful dismissal (£2,196) = £5,124.
  - b. An uplift of 25% is awarded for the respondents total and unreasonable failure to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures = £1,281. The total compensatory award is £6,405.
2. The claim for a redundancy payment succeeds and the respondent must the claimant a statutory redundancy payment of **£4,050** which has been calculated as follows:
  - a. The claimant was employed for 19 years from February 2001 until 20<sup>th</sup> December 2020. The claimant was 39 years old at the time of the redundancy and was paid a gross weekly pay of £225 per week. Her entitlement is 18 weeks x £225 = £4,050.
3. The claim for wrongful dismissal succeeds and the respondent must pay the claimant a sum of **£2,196** which has been calculated as follows:

- a. The claimant was entitled to 12 weeks statutory notice x net £183 per week = £2,196.
4. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996 apply to the compensatory award.
5. The respondent is advised of the provisions of regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, such that, within ten days of the decision in these proceedings being promulgated or as soon as is reasonably practicable, the respondent must comply with the provision of regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing:
  - a. the name, address and national insurance number of the claimant to whom the award relates; and
  - b. the date of termination of the employment of the claimant.
6. The respondent will not be required to make any payment of the compensatory award (at 1 above) until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the respondent.

Employment Judge **L Knowles**  
17 November 2023

### **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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

### **Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>