



EMPLOYMENT TRIBUNALS

Claimant: Mr G Davis

Respondent: Johnson's Leisure Limited

HELD AT: London South by CVP

ON: 14 December 2023

BEFORE: Employment Judge Fearon

REPRESENTATION:

Claimant: Mr Arnold, lay representative

Respondent: No attendance

JUDGMENT

1. The respondent's response is struck out under Employment Tribunal Rule 37(1)(c) because the respondent has not complied with the Tribunal Order made on 22 June 2023 and under Employment Tribunal Rule 37(1)(d) because the response and defence to the claim has not been actively pursued.
2. The claim for wrongful dismissal (non-payment of notice pay) is well founded and the Respondent is ordered to pay the claimant the gross sum of £475.
3. The Respondent has made an unlawful deduction from the claimant's wages in respect of his wages and is ordered to pay the claimant the gross sum of £285.
4. The claimant is awarded the sum of £20,887.30. inclusive of interest, as compensation for protected disclosure detriment.

Calculation of award

Age at dismissal: 28

Commencement of employment: 20/6/2022

Gross weekly pay - £475

Net weekly pay: £400.36

Compensation for past loss of earnings:

39 weeks x £400.36 net pay = £15,614.04

(Less 1 week awarded for notice pay £400.36)

(Less Universal Credit payments received £737.96)

Compensation for past losses = £14,475.72

Add uplift of 25% for breaches of the ACAS Code of Practice in respect of grievance procedure = £3,618.93

Total Compensation for past losses = £18,094.65

Injury to Feelings

The sum of £2,000 is awarded for injury to feelings.

Add uplift of 25% for breaches of the ACAS Code of Practice in respect of grievance procedure = £500

Total compensation for injury to feelings = £2,500

Interest

The Tribunal awarded interest under regulation 2 the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 on compensation for injury to feelings as follows:

Interest at 8% from 27 June 2023 to 14 December 2023

535 days x 0.08 x 1/365 x £2500 = **£292.65**

Recoupment

The Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349, apply. In accordance with those Regulations:

(a) the total monetary award made to the claimant (in this Judgment) is £21,647.30;

(b) the amount of the prescribed element is £18,832.61;

(c) the dates of the period to which the prescribed element is attributable are 27 June 2022 to 29 April 2023.

Employment Judge Fearon

Dated **21 December 2023**

JUDGMENT SENT TO THE PARTIES ON
Dated **12 January 2024**

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FOR THE TRIBUNAL OFFICE

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 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/>