



EMPLOYMENT TRIBUNALS

Claimant

Mrs H Allen

v

Respondent

Kosher Foods Limited

Heard at: Watford by CVP

On: 4 & 5 January 2024

Before: Employment Judge Wyeth

Representation

For the Claimant:

Mr P Allen (the claimant's husband)

For the Respondent:

Mrs A Acheampong (litigation consultant)

JUDGMENT

1. The respondent conceded that it had made unauthorised deductions of wages due to the claimant totalling £375.78 but the respondent has now paid that sum and accordingly no amount is outstanding.
2. The respondent conceded that it had failed to pay accrued holiday pay to the claimant totalling £678.80 but the respondent has now paid that sum and accordingly no amount is outstanding.
3. The claimant was wrongfully dismissed in breach of contract by the respondent and the respondent is ordered to pay the claimant two weeks' net pay totalling £685.92.
4. The claimant was unfairly dismissed by the respondent and the respondent is ordered to pay the claimant the sum of £3741.28 calculated as follows:

Basic Award

3 week's pay @ £390	£1,103.76
LESS 40% contributory conduct	(£441.50)
Total Basic Award	£662.26

Compensatory Award

Prescribed element

Loss of Wages

from 10 April 2023 to 9 June 2023,
9 weeks @ £342.96 net per week £3,086.64

PLUS 15% uplift for breach of ACAS Code £463.00

LESS 40% contributory conduct (£1419.86)

Non-prescribed element

Loss of Statutory Rights £735.84

PLUS 15% uplift for breach of ACAS Code £110.38

Two weeks' gross pay for no written terms (s38 EA 2002) £735.84

LESS 40% contributory conduct (£632.82)

Total Compensatory Award £3,079.02

Total Award £3,741.28

5. For the purposes of the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, the tribunal declares that:-

5.1. The monetary award grand total for unfair dismissal is £3,741.28;

5.2. The prescribed element is £2,129.78;

5.3. The prescribed period is 10 April 2023 to 9 June 2023; and

5.4. The excess of the monetary award grand total over the prescribed element is £1,611.50.

6. For the avoidance of doubt the total sum ordered to be paid to the claimant is **£4,427.20.**

Employment Judge Wyeth

Date: 5 January 2024

Sent to the parties on:

24/1/2024

For the Tribunal: N Gotecha