



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Hamble Foods Limited**

**v**

**R Singh**

**Heard at: Reading Employment Tribunal**

**On: 6 March 2024**

**Before: Employment Judge Anderson**

**Appearances:**

**For the Claimant: In person      For the  
Respondent: Did not attend**

**JUDGMENT** having been sent to the parties on 4 April 2024 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

## REASONS

Background

1. Following a hearing on 29 and 30 November and 1 December 2023 I issued a reserved judgment dated 19 December 2023 upholding the claimant's claim of unfair dismissal and unlawful deduction from wages. The respondent was ordered to pay £2308.63 in unpaid wages and the matter was listed for a remedy hearing on 6 March 2024.
2. The respondent did not attend the hearing. On the morning of the hearing I received submissions from the respondent's Anshul Khattar explaining that he would not be attending but would like his submissions on remedy to be taken into account. No adjournment was sought.
3. The hearing proceeded with the claimant in attendance, and the claimant gave evidence on oath as well as making submissions. Where the claimant's evidence or submissions differed from the respondent's I preferred the claimant's evidence in the absence of the respondent.

4. By way of documents, in addition to the respondent's submissions I received a bundle of documents which included an updated schedule of loss, a witness statement from the claimant and a payslip dated 1 March 2024. The payslip was evidence that the unpaid wages had now been paid as ordered in my judgment of 19 December 2023. The payment was made significantly later than I had ordered.

#### Findings and decision

5. The respondent submitted that the claimant's gross weekly wage was £769.20. The claimant said it was £769.23. As his annual salary was £40,000 I accepted that the gross weekly wage figure was £769.23. On the basis of the claimant's age and length of service this produced a basic award figure of £1713.00. The respondent was in agreement with this figure. As I had found that there should be a deduction to the basic award of 50% the final figure payable for that aspect of the claim is £856.50.
6. Loss of earnings was calculated as follows:
  - a. The claimant said that his net weekly wage was £611.01 which he had calculated after deductions of tax and national insurance were made to the gross figure. I accepted that figure.
  - b. The claimant was without pay from 1.8.22 to 12.10.22 which is 10 weeks and 2 days. He said he had made an error in the schedule of loss by starting his calculations from 8 August when in fact his loss began on 1 August 2022 when he was dismissed. The loss calculated is £6354.50.
  - c. From 12.10.22 until 16.08.23 is a period of 44 weeks. If he had been working for the respondent during that time the claimant would have earned £26, 884.44, net. He earned £19238.24. The difference, which is recoverable, is £7646.20.
  - d. The claimant accepted the respondent's submission that an appropriate figure for pension contributions loss was 3% of gross salary. Calculating his loss from 12.10.22 to 16.2.23 (28 weeks), which is when he began to receive pension contributions in his new employment, the loss is £646.15 (being 3% of £40,000 divided by 52 and multiplied by 28).
  - e. In addition the claimant claimed, and I awarded, £786.18 for hire car costs after losing his company car. He required this in order to get to job interviews. I awarded a sum for loss of statutory rights, as claimed, in the sum of £500.
7. The total figure for the compensatory award was £15933.03. To that figure the following deductions and uplifts were applied:
  - a. a deduction of 25% for the reasons set out at paragraphs 129-131 of the liability judgment.
  - b. a 20% ACAS uplift was awarded. The claimant sought a 25% uplift. It was my view that the dismissal process was handled very poorly,

significantly flawed and I upheld the claimant's unfair dismissal claim on the grounds that the flaws may have affected the decision to dismiss. However, the respondent did have a process which it implemented in part and the claimant did have the opportunity to make representations at a disciplinary hearing. For these reasons I concluded that 20% was an appropriate uplift.

- c. a deduction of 50% for the reasons set out at paragraphs 132 to 137 of the liability judgment.
8. The resulting figure for the compensatory award after deductions and the uplift have been applied in the correct order is £7169.86.
9. The final figure payable by the respondent is that figure plus the basic award, which amounts to £8026.36.

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Employment Judge Anderson

Date: 9 May 2024

Judgment sent to the parties on

.....16 May 2024.....

.S Bloodworth.....  
For the Tribunal office