



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Flynn  
**Respondent:** Testerworld Limited  
**Rule 96 party:** Secretary of State for Business and Trade

**Heard at:** Newcastle (by video)      **On:** 24-26 July 2024

**Before:** Employment Judge Aspden

## Appearances

For the claimants: no attendance

For the respondent: not in attendance

For the Secretary of State: not in attendance

# JUDGMENT

1. The claimant's claim that the respondent failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of his dismissal is well founded.
2. The complaint was made within the time required by section 189(5) of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. The Tribunal orders the respondent, by way of protective award under section 189(3) of the 1992 Act, to pay to the claimant a payment equivalent to remuneration for the period of 90 days beginning on 9 May 2022.

## Recoupment

4. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award. The protected period is the period of 90 days beginning on 9 May 2022.

Employment Judge Aspden

Date: 26 July 2024

### **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/>