



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr G Germon

AND

Respondent
Upton Social Club

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Southampton (by Video)

ON 5 August 2024

EMPLOYMENT JUDGE Gray

Representation

For the Claimant: In person

For the Respondent: Mr Ward (Trustee of the Respondent)

JUDGMENT

The judgment of the tribunal is that:

- The Claimant's complaint of unfair dismissal succeeds, and it is declared he was unfairly dismissed. The Claimant is awarded:
 - A basic award of £6,084 (£507 x 8 x 1.5).
 - A compensatory award of £1,351.26 (covering a period from 15 December 2023 to 10 May 2024, giving credit for the notice period and holiday awarded, therefore consisting of 8 weeks net pay (8 x £406.22 = £3,249.76) less what has already been paid to the Claimant by the Respondent at dismissal of £2,398.50, plus £500 for loss of statutory employment rights). *The prescribed element - covering the period 15 March 2024 to 10 May 2024 = £819.32 (being £2,150.72 of benefits received in the loss period / 21 x 8))*

- **The Claimant's complaint for notice pay succeeds and he is awarded 8 weeks' notice amounting to £3,249.76 net (8 x £406.22).**
- **The Claimant's complaint for accrued but untaken holiday succeeds, and he is awarded the 5 weeks gross as claimed amounting to £2,535 gross (5 x £507).**

Employment Judge Gray
Dated 5 August 2024

Judgment sent to Parties on
14 August 2024

Jade Lobb
For the Tribunal Office

Prescribed Element

- (a) the total monetary award made to the claimant = £1,351.26;
(b) the prescribed element = £819.32;
(c) the dates of the period to which the prescribed element is attributable = 15 March 2024 to 10 May 2024; and
(d) the amount by which the monetary award exceeds the prescribed element = £521.94
Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

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.

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/>

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Jobseeker's Allowance and Income Support

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any Jobseeker's Allowance and other specified allowances paid to the claimant after dismissal in respect of the compensatory award for unfair dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.