



EMPLOYMENT TRIBUNALS

Claimant: Stephen Frost
Respondent: H.E.C. Contracting Limited

AT A HEARING

Heard at: Leeds by CVP video link **On:** 4th, 5th & 6th October 2023
Before: Employment Judge Lancaster
Members: J Blesic
DW Fields

Representation

Claimant: Ms I Baylis, counsel
Respondent: Mr J Searle, counsel

JUDGMENT

1. The complaints of breach of contract (non-payment of notice pay) and of non-payment of holiday pay are dismissed upon withdrawal.
2. The complaints of direct disability discrimination and of discrimination because of something arising in consequence of disability are dismissed.
3. It is declared that the Claimant was unfairly dismissed.
4. The Respondent is ordered to pay compensation as follows:
Basic award calculated at 5 x 1 ½ weeks pay capped at £571 (£4282.50) but extinguished by the redundancy payment already made (£5139) £0.00
Compensatory award calculated at an additional 3 weeks net pay (£580), being a further 4 weeks before dismissal less 1 week already overpaid in lieu of the 5 weeks' notice due at termination

	<u>£1740.00</u>
Less the excess of redundancy payment	<u>-£856.50</u>
	£883,50
5. The recoupment provisions do not apply in these circumstances.
6. The Respondent's application for costs is refused.

Case: 1805991/2022

EMPLOYMENT JU DGE LANCASTER

DATE 6th October 2023

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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.