



EMPLOYMENT TRIBUNALS

Claimant: Mr L Hilton

Respondent: Mr S Lewis

Heard at: Manchester

On: 2 April 2024

Before: Employment Judge Leach

Representation

Claimant: In person.

Respondent: Did not attend. Response not received.

JUDGMENT- REMEDY

A. Unfair dismissal

1. The claimant was unfairly dismissed and is entitled to the following:-
 - 1.1 A basic award of £660 (being a week's pay of £220 x 2 x 1.5)
 - 1.2 A compensatory award of £4400 (amounting to 20 weeks' loss)
2. The claimant gave evidence that he has been out of work since being summarily dismissed in May 2023. He told me that he had not attempted to find work due to a combination of a long-term medical condition and the impact that treatment during employment and his dismissal had on him.
3. I need to make a finding that is fair and just. It would not be fair and just to make the respondent liable for the claimant's losses arising from the impact of the claimant's long-term condition. It would be fair and just to recognise the adverse impact that the unfair dismissal had on the claimant.

4. Having regard to the issues noted above, I have decided to make a compensatory award amounting to 20 weeks' pay (in addition to the 2 weeks' notice pay detailed below).

B. Holiday Pay

5. The respondent failed to compensate the claimant for untaken holidays accrued as at the date of termination of the claimant's employment. The respondent's holiday year (for the purposes of calculating accrued entitlement) began on 1 April 2024. As at the date of his dismissal the claimant accrued 0.9 weeks accrued untaken holiday. He is awarded **£200** (gross).

C. Notice Pay

6. The respondent failed to provide the claimant with statutory notice of dismissal of 2 weeks. The respondent must pay the claimant **£440 (gross)**.

D. Summary and Conclusion

The respondent is therefore ordered to pay the claimant:-

A. Unfair dismissal

A basic award of **£660**.

A compensatory award of **£4400**. (amounting to 20 weeks' loss)

Total unfair dismissal award = **£5060**

B. Notice Pay

2 weeks' pay @ £220 per week = **£440 gross**.

C. Unpaid accrued holidays.

0.9 weeks = **£200 gross**.

Employment Judge **Leach**
Date 7 October 2024

JUDGMENT SENT TO THE PARTIES ON
11 October 2024

FOR THE TRIBUNAL OFFICE

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/employmenttribunal-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-practicedirections/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2408662/2023**

Name of case: **Mr L E Hilton** v **Mr S Lewis**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 11 October 2024

the calculation day in this case is: 12 October 2024

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearingsjudgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.