



EMPLOYMENT TRIBUNALS

Claimant: Gordon Bruce Fennell

Respondent: AW Design & Development Limited

Heard at: Watford (CVP)

On: 2-4 September 2024

Before: Employment Judge Rakhim (sitting alone)

Appearances

For the claimant: Represented by Ms G Nicholls

For the respondent: No attendance

JUDGMENT

1. The claim was presented within the applicable time limit.
2. The claimant's complaint for constructive unfair dismissal is well founded and succeeds.
3. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period 4 February 2023 to 9 May 2023.
4. The claimant is entitled to the following remedies, which the respondent is ordered to pay:
 - a) Unauthorised deductions from wages - **£15,226.03**.
 - i. (period 4 February 2023 to 9 May 2023, 95 days, gross sum)
 - b) Basic award - **£3,858**.
 - i. (£643 cap x 6 weeks)
 - c) Compensatory award – **£58,500**
 - i. (Loss of statutory rights - £500)
 - ii. (Past losses - £33,006.26; which is loss of basic net salary to date of remedy hearing of £57,038.16 (69 weeks x £826.64), less mitigation of £24,031.90).

- iii. (Future loss of earnings - £31,936.65; which is calculated as basic net salary to 31 December 2024 £57,038.16 (69 weeks x £826.64), less mitigation of £25,101.51).
- iv. (Subject to cap of 52 weeks gross pay, thus capped at £58,500).

5. The Recoupment of Benefit Regulations 1996 does not apply.

Employment Judge Rakhim

(signed electronically)

4 September 2024

Sent to the parties on:
15 November 2024

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For the Tribunal Office:
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