



EMPLOYMENT TRIBUNALS

Claimant: Miss Kimberley Wright

Respondent: Kumsal Kebab Ltd

Heard at: Bristol (by video) **On:** 10 December 2024

Before: Employment Judge Midgley

Representation

Claimant: In Person

Respondent: No attendance or representation

JUDGMENT

UPON the respondent failing to attend the hearing, submit a witness statement, or documents to support its response

AND UPON the Tribunal staff calling the respondent on the morning of the hearing at 10:20am and leaving an answerphone message requiring the respondent's attendance by 10:30am

AND FURTHER UPON the respondent failing to attend by 10:32am

1. The Response is struck out pursuant to Rule 47
2. The claimant's claim for unfair dismissal is well founded and succeeds
3. The respondent failed to comply with the ACAS code of conduct and it is just and equitable, having regard to the default and the respondent's size and resources to apply an uplift of 10%.
4. The Respondent is therefore ordered to pay the claimant the sum of **£11,175.84**, calculated as detailed in Schedule 1 below.
5. The recoupment provisions do not apply (pursuant to section 8(2)(b)(ii) of the The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996); the claimant's receipt of universal credit persisted at a consistent value both before and after the dismissal.

SCHEDULE 1

1. Basic Award: 2 x £171.60 =	£343.20
2. Loss of Statutory Protection	£300.00
3. Compensatory award	
(a) 11 November 2023 – 31 March 2024 £10.18 /hr x 15 x 20 weeks	£3054.00
(b) 1 April 2024 – 10 December 2024 £11.44 /hr x 15 x 38	£6520.80
4. ACAS Uplift (10%) (Compensatory award only) 9574.80 x 10%	£957.48
TOTAL	£11,175.84

Employment Judge Midgley

Date 10 December 2024
JUDGMENT SENT TO THE PARTIES ON
07 January 2025

FOR THE TRIBUNAL OFFICE

Note

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.