



EMPLOYMENT TRIBUNALS

Claimant: Mr S Aiyegbusi

Respondent: Oak Tree (Construction Design & Management) Limited

Heard at: Liverpool

On: 30 & 31 January 2025

Before: Employment Judge Buzzard

REPRESENTATION:

Claimant: Mr A Ijaola (Consultant)

Respondent: Mr B Hendley (Consultant)

JUDGMENT

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.

It is found that the claimant would have been fairly dismissed in any event, although that dismissal would have been delayed by two weeks to allow a fair process to be followed. It is further found that the claimant was paid sick pay that he was not entitled to in the amount of £481.36 at the time of dismissal.

The respondent is ordered to pay to the claimant, within 28 days of the date of this judgment, a compensatory award of **£722.34**. This is calculated as two weeks' gross pay at the agreed rate of £601.85 per week, less the overpayment of £481.36.

The claimant was paid a statutory redundancy payment and accordingly is not entitled to a Basic Award.

2. The claimant's complaint that the respondent failed to pay him notice pay that he was entitled to is not well founded and is dismissed.

3. The claimant's complaint that the respondent made an unlawful deduction from his final pay is not well founded and is dismissed.

Employment Judge Buzzard
31 January 2025

Judgment sent to the parties on:

12 February 2025

For the Tribunal:

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/employment-tribunal-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-practice-directions/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401589/2024**

Name of case: **Mr S Aiyegbusi** v **Oak Tree (Construction Design & Management) Limited**

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: 12 February 2025

the calculation day in this case is: 13 February 2025

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

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-hearings-judgment-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.