



EMPLOYMENT TRIBUNALS

Claimant: Mr K Pringle

Respondent: Moo Fresh Ltd

Heard at: Birmingham Employment Tribunal (by video)

On: 27 July 2026

Before: Employment Judge McCluggage

Appearances

For the Claimant: in person

For the Respondent: no attendance and no representation

JUDGMENT

1. The complaint of unfair dismissal is well founded. The Claimant was unfairly dismissed by the Respondent on 7 March 2025.
2. The Respondent is ordered to pay the Claimant a basic award of £1,509.56.
3. The Respondent is ordered to pay the Claimant a compensatory award of £15,584.90.
4. The total sum which the Respondent is ordered to pay the Claimant is £17,094.46.
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply because the Claimant received Jobseeker's Allowance during the period of his loss.
6. The particulars required by regulation 4 are:

Monetary award	£17,094.46
Prescribed element	£15,234.90
Period to which the prescribed element is attributable	8/03/2025 to 11/11/2025
Amount by which the monetary award exceeds the prescribed element	£1,859.56

Employment Judge McCluggage
12 August 2026

SUMMARY REASONS

Procedure

1. The Respondent has never presented a response. It was notified on 13 November 2025 that a judgment might be issued under rule 22 of the Employment Tribunal Procedure Rules 2024. Time for presenting a response was extended by a Legal Officer on 17 March 2026 until 14 April 2026, and the final hearing was re-listed. No response was presented by that date, or at all. The Respondent did not attend the hearing and was not represented. I was satisfied that it had notice of the hearing and I had no information as to any reason for its absence. Under rule 47 I proceeded in its absence. I heard evidence from the Claimant and considered the documents in the file.

Jurisdiction and time

2. The Claimant's employment ended on 7 March 2025, so the primary time limit expired on 6 June 2025. He notified ACAS on 31 March 2025, the certificate was issued on 7 April 2025, and the claim form was presented the same day. The claim is in time.

Dismissal

3. The Claimant was dismissed with immediate effect by the Respondent's letter dated 7 March 2025, which he received while on annual leave. He was employed as a driver from 10 October 2021, so he had the two years' continuous employment required by section 108 of the Employment Rights Act 1996.

The reason for dismissal

4. It is for the employer to show the reason for the dismissal and that it was a potentially fair one: section 98(1). The Respondent has produced no material to establish a potentially fair reason. It has presented no response, called no witness and produced no document. The dismissal letter asserts a series of matters, but an assertion the Respondent has chosen neither to support nor to explain does not discharge the burden. It is not for the Tribunal to supply a reason on the employer's behalf. The dismissal is unfair on that ground alone.

Fairness in any event

5. Even if the letter were taken at face value as a dismissal for conduct or capability, the dismissal would be unfair under section 98(4). There was no process of any kind. The Claimant was not told what was alleged, was not invited to a meeting, was given no opportunity to answer, and was given no right of appeal. He was dismissed summarily, by letter, while on annual leave, for matters which had never been adequately raised with him and some matters not at all. He had never received a written warning. That is a wholesale failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and falls well outside the range of reasonable responses.

Basic award

6. The Claimant had 3 complete years of continuous employment and was under 41 throughout, so he is entitled to one week's pay for each year. A week's gross pay was

£503.19, below the statutory maximum of £700 for a dismissal taking effect on 7 March 2025, so no capping arises. The basic award is £1,509.56.

Compensatory award

7. The Claimant's net pay was £430 per week. He took reasonable steps to find other work. His loss of earnings ran for 35.43 weeks until he found a new job as a HGV driver producing £15,234.90. I award a further £350 for loss of statutory rights. The compensatory award is £15,584.90.
8. The Jobseeker's Allowance the Claimant received is not deducted. It is dealt with under the Recoupment Regulations, and the particulars required by regulation 4 are set out in the Judgment above.

Employment Judge McCluggage
12 August 2026

Sent to the parties on:

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For the Tribunal Office:

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ANNEX TO THE JUDGMENT (MONETARY AWARDS)
Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the Claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the Respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the Respondent to the Claimant immediately.

When the Secretary of State sends the Recoupment Notice, the Respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the Respondent must pay the balance to the Claimant. If the Secretary of State informs the Respondent that it is not intended to issue a Recoupment Notice, the Respondent must immediately pay the whole of the prescribed element to the Claimant.

The Claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the Claimant disputes the amount in the Recoupment Notice, the Claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the Secretary of State.