

THE INDUSTRIAL TRIBUNALS

CASE REF: 6493/17 IT

CLAIMANT: Denise McCrory

RESPONDENTS: Rutledge Recruitment & Training Limited

DECISION

The unanimous decision of the Tribunal is that the claimant was automatically unfairly dismissed by the respondent and she is awarded total compensation in the sum of £10450.11.

Constitution of Tribunal:

Employment Judge: Employment Judge Knight

Panel Members: Mr Eddie Grant
Mrs Allison Gribben

Appearances:

The claimant was represented by Mr J Kennedy instructed by John Fahy & Company Solicitors.

The respondent company was represented by Mr David Norry McBride.

REASONS

1. Full reasons for the decision above were delivered orally at the hearing.
2. The tribunal awarded compensation, calculated as follows:

Unfair Dismissal

Date of dismissal ("EDD") – 17 August 2017

Claimant's continuous service at EDD - 2 years

Claimant's Age at EDD - 31 years

Agreed Gross weekly pay - £170.51

Agreed Net weekly pay - £168.85

The respondent failed to comply with the statutory dismissal procedures as set out in Part 1 Schedule 1 of the Employment (NI) Order 2003. The claimant is therefore entitled to a minimum award equivalent to four weeks' pay. The claimant has made extensive efforts to find alternative employment. The claimant's loss of earnings will cease on 31 August 2018 after which date she will take up another post. The tribunal considered in all the circumstances that it is just and equitable to increase the compensatory award by 50%.

Basic Award

4 weeks x £170.51(gross weekly pay) = £682.04

Compensatory Award

Net Loss of Earnings since EDD

(From 17 August 2017 until 10 March 2018)

28 weeks x £168.85= £4727.80

(From 11 March 2018 until 31 August 2018)

25 weeks x £63.37 = £1584.25

Loss of Statutory Rights £ 200.00

Statutory Uplift

(Maximum of 50% of compensatory award) £ 3256.02

Total compensation awarded £ 10450.11

3. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 23 and 24 July 2018, Belfast.

Date decision recorded in register and issued to parties: