



EMPLOYMENT TRIBUNALS

Claimant

Mr E Ulhaq

Respondent

**(1) Riaz MSB Limited
(2) Foren Money Limited**

-v-

FINAL MERITS HEARING

Heard at: **Centre City Tower, Birmingham**

On: **1 March 2018**

Before: **Employment Judge Perry** (sitting alone)

Appearances

For the Claimant:

in person

For the Respondents:

No appearance

JUDGMENT

1. The Claimant was employed by the first respondent. The claim against the second respondent is dismissed on withdrawal.
2. The claimant's complaint that he was constructively and unfairly dismissed by the first respondent on 10 October 2017 is well founded.
3. The first respondent failed to follow the ACAS Code of Practice. The claimant having grieved on 17 October 2018 the awards shall where stated be increased by 25%.
4. The first respondent was in breach of its duty to the claimant pursuant to section 1(1) and/or 4(1) of the Employment Rights Act 1996. The first respondent is ordered to pay an additional four weeks' pay to the claimant pursuant to Section 38 of the Employment Act 2002.
5. I award the sum of **£23,044.62** calculated as follows as compensation for unfair dismissal to be paid by the first respondent to the claimant.

Basic Award

(26 weeks at £422.88)

£10,994.88

Compensatory Award

Loss of earnings 3 months net pay from
10/01/18 (expiry of notice) – Offer of Job
starting in early April 2018

£5,260.29

Loss of statutory rights

£489.00

4 weeks pay pursuant to s.38 Employment Act 2002

£1,691.52

Sub-Total

£18,435.69

25% uplift breach of ACAS Code

£4,608.92

TOTAL

£23,044.62



6. The claimant was entitled to treat himself as dismissed in breach of contract on 18 October 2017. I have compensated the claimant for his statutory notice as part of the compensatory award.
7. The first respondent has made an unlawful deduction from the claimant's wages pursuant to Part II of the Employment Rights Act 1996. The first respondent is ordered to pay £17,369.14 (gross) to the claimant in respect of the unlawful deduction. That shall be uplifted by 25% to **£21,711.43**.
8. The first respondent has failed to compensate the claimant in relation to the claimant's entitlement to holiday leave that had accrued as at the termination of the claimant's employment pursuant to the Working Time Regulations 1998 (SI 1998/1833). The first respondent is ordered to pay **£803.47** (gross) to the claimant in respect of the accrued leave entitlement. That shall be not be uplifted by 25% the grievance predated the termination.
9. The Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 do not apply.

Employment Judge Perry

1 March 2018

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.