



EMPLOYMENT TRIBUNALS

Claimant: Mr H Smith

Respondent: R E Grafton Limited

HELD AT: Leeds

ON: 7 October 2019

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: In person

Respondent: Did not file a response/did not attend/was not represented

JUDGMENT

The Respondent shall pay to the Claimant compensation as follows:-

1. Unfair dismissal compensation £27,123.49.
2. Balance of notice pay £3,444.16.
3. Holiday pay £1,131.68.
4. Unauthorised deduction of wages £1,612.16.

REASONS

1. The Claimant was the sales director of the Respondent until his dismissal without warning on 22 June 2019. He had worked for the Respondent since 21 October 1997.
2. Since the Respondent did not appear and was not represented nor did it file a response having heard the Claimant judgment was entered in favour of the Claimant for unfair dismissal, no notice pay (balance), no holiday pay and unauthorised deduction of wages and his claim for redundancy pay was subsumed in the claim for unfair dismissal.

3. Remedy

4. Unfair dismissal

Basic award – gross week's pay £525.00 Five years x 1.5. Subtotal £3,937.50.

15 years at £525.00 x 1 - £7,875.00 Subtotal £11,812.50.

Future loss – for the period 22 June 2019 to 30 July 2019, when the Claimant received no income or benefit, net pay per month £2,229.00, net pay per day £73.28. Number of days 37 - £2,711.36.

The Claimant hopes he will find full-time employment within a further six months from and including 31 July 2019 and he is therefore awarded a further six months future loss but since 31 July 2019 he has earned approximately £650.00 per month. So that period is at the monthly rate of £2,229.00 less £650.00 and comes to £9,474.

Pension - During the 37 days when the Claimant was not working the lost pension amounts to £388.65. And for the further six months the lost pension amounts to £1,916.98.

Subtotal £2,305.63.

Broadband - The Claimant was asked to subscribe for an expensive form of broadband in January 2019 by the Respondent and unfortunately had to sign a broadband contract for a full 18 months. He is awarded the balance of the cost of the contract after he was dismissed in the sum of £320.00.

Loss of statutory industrial rights - £500.00

Total unfair dismissal compensation, subject to recoupment rights - £27,123.49.

5. Notice pay

The Tribunal has already partly awarded 37 days of the Claimant's notice pay as above and he is entitled to 12 weeks' notice so that the Tribunal awards the balance being 47 days at £73.28. £3,444.16.

6. No holiday pay

The claimant was owed 11 days holiday at the time of his dismissal and this at the rate of £102.88 per day = £1,131.68.

7. Unauthorised deduction of wages

The Claimant was not paid from 1 June 2019 to 22 June 2019. That is 22 days at £73.28 per day - £1,612.16.

Employment Judge Shulman

Date 10 October 2019

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.