



EMPLOYMENT TRIBUNALS

Claimant: Mr G Parkash

Respondent: British Airways plc

Heard at: Reading On: 20 and 21 September 2018

Before: Employment Judge Hawksworth (sitting alone)

Representation

Claimant: Ms S Gilani (solicitor)

Respondent: Mr J Allsop (counsel)

UPON APPLICATION made by letter dated 5 November 2018 to reconsider the judgment dated 22 October 2018 under rule 71 of the Employment Tribunals Rules of Procedure 2013

JUDGMENT

1. The Claimant's application for reconsideration succeeds.
2. The period of the prescribed element is varied from a) 29 November 2016 to 21 September 2018 as set out in the judgment to b) 4 August 2017 to 28 November 2017.

REASONS

1. I have considered the Claimant's application for reconsideration of the period of the prescribed element for recoupment as set out in the judgment sent to the parties on 22 October 2018.
2. The start of the period of the prescribed element was determined to be 29 November 2016. However, the start of the period should be the same as the date on which the Claimant's benefits claim began. The claimant has provided a letter which shows this to be 4 August 2017 and this should be the start of the period of the prescribed element.

3. The period of the prescribed element cannot extend beyond the period in respect of which compensation is actually awarded (*Homan v A1 Bacon Co Ltd*, 1996 ICR 721 EAT). The Claimant was awarded 52 weeks' loss of pay in respect of the period from 28 November 2016 to 28 November 2017. The period of the prescribed element must end on 28 November 2017.
4. The period of the prescribed element should therefore be varied to the period from 4 August 2017 to 28 November 2017.
5. I did not consider a hearing to be necessary to determine this application. Both parties agreed with this.

Employment Judge Hawksworth

9 January 2019

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

11.10 Judgment on reconsideration of judgment – hearing - rules 70 and 73