



EMPLOYMENT TRIBUNALS

Claimant: Mr M Hayward

Respondent: Press Metal (UK) Ltd

JUDGMENT

It is the judgment of the Employment Tribunal that:

1. The claimant's application for reconsideration of the Judgment of 5 November 2021 ('the original decision') is successful. The compensatory award element of the original decision is varied and the rest of the original decision is confirmed.
2. Paragraph 5 of the original decision is varied as follows:

The respondent shall pay to the claimant a compensatory award of **£9135.91**. The claimant's loss of earnings to date of hearing amounted to £8,611.91; and that a sum of £524 be awarded a compensation for loss of statutory rights. No future loss was awarded as the parties agreed that the claimant's employment had he not been dismissed would have ended fairly on 30 September 2021.

REASONS

1. Judgment and reasons having been given in full at the original hearing on both liability and remedy the claimant's wrote to the tribunal at by way of email at 23.39 on 5 November 2021 setting out that an incorrect figure had been relied upon by both parties to calculate his loss of earnings.
2. The respondent's representative confirmed by way of email of 9 November 2021 that this was the case and that they agreed that an incorrect figure had been used.
3. I treated the claimant's email of 9 November 2021 as an application for reconsideration under Rule 71 of schedule 1 the Employment Tribunal's (Constitution and Rules of Procedure) regulations 2013 (the Rules). The Tribunal wrote to the parties in accordance with Rule 72 of the Rules and they both confirmed they were of the view that a hearing was not necessary in the interests of justice given they were in agreement as to the error that had been made and that the judgment should be varied.

4. I therefore considered the application in accordance with Rules 70 and 72 of the Rules. Rule 70 provides that *“a tribunal may...on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked”*.
5. I have concluded that it is in the interests of justice, given both parties agree that there was an error in the original figures provided to the tribunal at hearing, for the original decision to be varied in relation to the calculation of the compensatory award. The compensatory award should be as follows:

12 months x £2500 = £30,000
Less
Claimant’s actual earnings of £21,388.09

= loss of earnings of £8,611.91.
6. The amount awarded for the loss of statutory rights remains the same and is confirmed as £524. The total compensatory award in the original decision is varied to £9135.91

Employment Judge Noons

4 March 2022

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