



EMPLOYMENT TRIBUNALS

Claimant: Mr A. Urbonas

Respondent: Fruehauf Limited

Heard at: Midlands East
2024.

On: 11, 12 and 30 September

Before:

Employment Judge Rachel Broughton sitting alone.

Representatives

Claimant: Ms Urbonas – daughter in law

Respondent: Ms Parsons - Munn – counsel

Lithuanian translator in attendance to assist the claimant.

JUDGMENT

The judgment of the Tribunal is that:

1. The claim for wrongful dismissal is **not** well founded and is dismissed.
2. The claim for unfair dismissal pursuant to section 94 and 98 ERA is well founded and **succeeds**.
3. **The respondent is ordered to pay the claimant the following amounts:**
 - 3.1 : Basic Award of : **£9,582.30; and**
 - 3.2: A compensatory award : **£1,698.70**
4. The above sums have been **calculated** as follows:

Calculations:

4.1 Net weekly salary when working for the respondent:£453 per week

4.2 Basic award of £10,647

4.3 Loss of statutory rights : £500

4.4 Awarded 5 weeks loss of earnings from date of dismissal: £453 x 5

4.5 Further 4 weeks losses awarded on basis of the difference between £453 and claimant's pay in his new job using an average from the 4 payslips available (which provides for a weekly figure of £401 net). £52 net difference in pay x 4 weeks = £208

4.6 Plus employers pension contribution using average from payslips [pages 93 and 95] of £19 per week x 9 weeks =£172

4.7 Subtotal compensatory award of (£2,265 +£208+ £172 = =£2,645.74)

4.8 Order of adjustments

4.7.1. Polkey (compensatory only): £2,645.74 plus £500 (loss of statutory rights) = £3145.74 divided by 50% =£1572.87

4.7.2 ACAS uplift (20%) to compensatory award = £314.57

4.7.3 Contributory fault (10% basic and compensatory):

4.7.3.1 Basic: £10,647 less 10% compensatory = discount to be applied of £1,064.70

4.7.3.2 Compensatory less 10% = £1572.87 plus £314.57 (ACAS uplift) =£1887.44 less 10% which is discount of £188.74

The recoupment provisions do not apply.

Employment Judge Broughton

Date: 30 September 2024

JUDGMENT SENT TO THE PARTIES ON
30 September 2024
FOR THE TRIBUNAL OFFICE

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.

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.

Recordings and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>