



EMPLOYMENT TRIBUNALS

Claimant

Mr T Benn

v

Respondent

Hiiroc X Developments Limited

Heard at: Sheffield (by video link – Kinly Cloud)

On: 24 January 2025

Before: Employment Judge James

Representation

For the Claimant: Represented himself

For the Respondent: Mr E Kalidasan, counsel

JUDGMENT

- (1) The respondent is ordered to pay to the claimant, subject to the provisions of the *Recoupment Regulations 1996*, the following amounts:
 - a. A basic award of £1929;
 - b. A compensatory award of £2960.31, made up of:
 - i. £500 for loss of statutory rights;
 - ii. £164.59 for loss of pension contributions;
 - iii. £2295.72 for loss of wages.
- (2) The total monetary award is £4889.31.
- (3) The prescribed element is £2295.72.
- (4) The prescribed element is attributable to the period 30 November 2023 to 24 January 2025.
- (5) The monetary award exceeds the prescribed element by £2593.59, which **is payable by the respondent to the claimant immediately.**
- (6) The balance of the prescribed element (after payment of the relevant amount specified in the Recoupment Notice to the Secretary of State) **is payable immediately after receipt of the Recoupment Notice.**

Employment Judge James
North East Region

Dated 27 January 2025

Notes

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.

Recording 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/>

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.