



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Thomas

**Respondent:** Singh Superstores Ltd

**Heard at:** Cardiff **On:** 20 January 2020

**Before:** Employment Judge S Davies (sitting alone)

## Representation

**Claimant:** in person

**Respondent:** Mr R Singh, director

# JUDGMENT

1. It is the decision of the Employment Judge sitting alone that the claim of unfair dismissal is upheld.
2. The Claimant contributed to her dismissal and a deduction from basic and compensatory award of 50% is just and equitable.
3. The Respondent unreasonably failed to follow the ACAS Code of Practice on Disciplinary and an uplift of 10% is awarded on compensation.

# REMEDY

4. The Claimant's claim for compensation is upheld as follows:

a. Basic award	£ 748.83
b. Compensation award including loss statutory rights	£3,195.91
c. Total	£3,944.74

5. Compensation is calculated as follows:

6. Basic award  
Number of qualifying weeks (6) x gross weekly pay (249.61) 1,497.66  
Less contributory fault at 50% -748.83  
Total basic award 748.83

7. <u>Compensatory award to date of hearing (20 January 2020)</u>	
Loss of net earnings	
Number of weeks (19) x net weekly pay (229.00)	4,351.00
Plus loss of statutory rights	350.00
Less 2 weeks payment in lieu of notice	-458.00
Plus loss of pension	316.54
Total compensation	4,559.54
8. <u>Compensatory award from hearing to expiry of GP Fit Note on 25 February 2020</u>	
Loss of future earnings	
Number of weeks (5.1) x net weekly pay (229.00)	1,167.90
Plus loss of pension	83.30
Total compensation	1,251.20
9. <u>Adjustments to total compensatory award</u>	
Plus failure to follow ACAS Code of Practice at 10%	581.07
Less contributory fault at 50%	-3,195.90
10. <u>Recoupment</u>	
Prescribed period from 10/09/2019 to 20/01/2020	
Total award	£3,944.74
Prescribed element	£1,946.50
Balance	£1,998.24

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Employment Judge S Davies

Date 20 January 2020

JUDGMENT SENT TO THE PARTIES ON

.....22 January 2020.....

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FOR THE TRIBUNAL OFFICE

NOTE: Reasons were given orally at the hearing. In accordance with Rule 62 (3) of the Employment Tribunal Rules of Procedure 2013, no written reasons will be provided unless requested by a party at the hearing or in writing within 14 days of sending the written record of the decision.