



EMPLOYMENT TRIBUNALS

Claimant: Miss Aleksandra Zduniak

Respondent: B &S Pointon Ltd

Heard at: Birmingham remotely by video

On: 20 March 2023

Before: Employment Judge Battisby (sitting alone)

Representation

Claimant: Ms Z Heffernan, paralegal

Respondent: No appearance

JUDGMENT

1. The claimant was constructively unfairly dismissed and her claim succeeds and the respondent is ordered to pay the claimant compensation for unfair dismissal set out below. The Recoupment Provisions apply as set out in the annex to this judgment.
2. The respondent failed to pay holiday pay due as at the termination date and the claimant is entitled to be paid the sum of **£177.08 gross** of tax.
3. The respondent failed to provide a written statement of employment particulars to the claimant. Under s38 of the Employment Act 2002, it is just and equitable to award the claimant compensation payable by the respondent in the sum of 4 weeks' pay totalling **£1,520.00**.
4. The compensation awarded for unfair dismissal is as follows:

Basic award

11 weeks' pay at £380 **£4,180.00**

Compensatory award

A) Prescribed element of the award for the prescribed period from 30/04/22 to 20/03/23

(i) Full loss of earnings from 30/04/22 to 30 January 2023
39.2 weeks at £334.06 net **£13,095.15**

(ii) Partial loss of earnings from 31/01/23 to 20/03/2023

6.6 weeks at £203.26 net

£1,341.52

Total of prescribed element

£14,436.67

B) Other past loss

Loss of statutory rights

£500.00

C) Future loss

Partial loss of earnings for 13 weeks
13 weeks at £203.26 net

£2,642.38

Total of A), B) and C)

£17,579.05

The statutory cap does not apply as the award is less than 52 weeks' gross pay.

The total awarded for unfair dismissal is **£21,759.05**

5. Recoupment Provisions

The total monetary award is **£23,456.13**.

The total by which the monetary award exceeds the prescribed element is **£9,019.46**.

Employment Judge Battisby
20 March 2023

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 (which it was not) or a written request is presented by either party within 14 days of the sending of this written record of the decision. All judgments and any written reasons are published in full online shortly after a copy has been sent to the parties.