



EMPLOYMENT TRIBUNALS

Claimant: Mr A F Marin

Respondent: Pioneer FM Ltd

Heard at: Watford (by CVP)

On: 14 March 2023

Before: Judge Cowx (sitting alone)

REPRESENTATION:

Claimant: Represented Himself

Respondent: Mr Jonathan Waters, counsel

JUDGMENT ON REMEDY

The judgment of the Tribunal is as follows:

1. The claimant's claim of unfair dismissal under Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant the following:
 - (a) A basic award in the sum of £2448.00.
 - (b) A compensatory award in the sum of £10,500.00.
2. The recoupment regulations do not apply because the award for unfair dismissal is made upon the agreement of the parties and with their consent. The total monetary award for unfair dismissal is £12,948.00.
3. The claimant's claim of breach of contract in relation to 1-months' notice pay is well-founded. The respondent is ordered to pay the claimant the sum of £3750.00 as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will be taxed upon it as Post Employment Notice Pay.
4. The claimant's claim of unpaid wages is well founded and the respondent is ordered to pay the claimant the sum of £3750.00. This figure has been calculated using gross monthly pay and the respondent is to deduct from that amount the required sum payable to HM Revenue and Customs for Income Tax and National Insurance.

5. The claimant's claim of unpaid holiday pay is well founded and the respondent is ordered to pay the claimant the sum of £3634.60. This figure has been calculated using gross monthly pay and the respondent is to deduct from that amount the required sum payable to HM Revenue and Customs for Income Tax and National Insurance.
6. The Tribunal also found that the respondent was in breach of its duty under Section 38 of the Employment Act 2002 to provide the claimant with full and accurate written particulars of employment and is ordered to pay the claimant the sum of £1730.76, the amount equal to 2-weeks pay.

Judge Cowx

14 March 2023

JUDGMENT SENT TO THE PARTIES ON
25 March 2023

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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.