



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr P Schoepe

v

GLS Investments Limited

Heard at: Cambridge

On: 1 June 2018

Before: Employment Judge Ord

Appearances

For the Claimant: Mr Pike, Solicitor.

For the Respondent: Did not attend and was not represented.

REMEDY JUDGMENT

The claimant is awarded the following sums by way of remedy:

1. For unfair dismissal:
 - 1.1 A basic award of £5,269.00.
 - 1.2 A compensatory award of £24,266.50.
2. For breach of contract (wrongful dismissal) the sum of £6,280.01
3. £1,532.67 for unlawful deductions from wages.
4. £342.55 for accrued but untaken holiday
5. The claimant did not receive a written statement of terms and conditions of employment contrary to s.1 of the Employment Rights Act 1996. The claimant is awarded the higher sum of 4 weeks' pay in the amount of £1,916.00.
6. The total judgment sum awarded to the claimant is £39,606.73.

REMEDY REASONS

1. The claimant was born on the 17 June 1976 and was employed by the respondent continuously from 1 April 2006 until 31 March 2017 when he was summarily dismissed.
2. The claimant was aged 40 at the time of his dismissal, and was aged over 21 throughout the period of his employment and had eleven years continuous service. His weekly salary was £706.73 gross, £570.91 nett.
3. The claimant was dismissed summarily. He is entitled to a minimum period of contractual notice of 11 weeks. He is therefore entitled to £(11 x 570.91) as compensation for breach of contract, amounting to £6,280.01.
4. The claimant was unfairly dismissed. He is entitled to a basic award of 11 weeks at the statutory maximum of £479.00 amounting to £5,269.00.
5. The claimant was unfit for work until 6 September 2017 where after he commenced his job search. From 27 October 2017 to 6 April 2018 he was employed by FS Fabrication Limited earning a total nett salary of £3,843.25. Since 9 April 2018 he has been employed by Nene Engineering Limited working 43 hours per week at an hourly rate of £10.50 giving a gross weekly pay of £451.50 and a nett weekly pay of £429.08. He has a continuing loss of £141.83 per week and his total earnings to date with Nene Engineering Limited amount to £2,779.54.
6. The claimant's total loss for the period from the date of dismissal (taking account of the period covered by the award for breach of contract) is as follows:

1)	Total loss (61 weeks at £570.91)	£34,825.51
2)	Less breach of contract claim	(£6,280.01)
3)	FS Fabrication Limited	(£3,843.25)
4)	Nene Engineering Limited	<u>(£2,779.54)</u>
5)	Loss of earnings to date	<u>£21,922.71</u>
7. The claimant has a continuing loss of £141.83 per week which I award for a further 13 weeks amounting to £1843.79, and the claimant is awarded the sum of £500.00 for loss of his statutory rights.
8. The total compensatory award is therefore £24,266.50.
9. The claimant suffered unlawful deduction from his wages (allegedly deducted according to the documents which I have seen on the basis that he had not return a van). The claimant is awarded the sum of £1,532.67 for those unlawful deduction from wages.

10. The claimant had accrued on his evidence 3 days holiday pay at the time of his dismissal, the value of which is £342.55.
11. The claimant did not receive any written statement of terms and conditions of employment. Given the length of his employment it is appropriate to award this at the higher rate (four weeks' pay) amounting to £1,916.00.
12. The total award to the claimant is therefore £39,606.73.

Employment Judge Ord

Date: 1 / 06 / 2018

Sent to the parties on:

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For the Tribunal Office