



EMPLOYMENT TRIBUNALS

Claimant: Mr M B Burton

Respondent: Bolton Textiles Limited (in Administration)

HELD AT: Manchester

ON: 7 September 2017

BEFORE: Employment Judge Sherratt

REPRESENTATION:

Claimant: Mr B Frew, Counsel

Respondent: Not in attendance – response not received

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was unfairly dismissed.
2. The respondent shall pay to the claimant a basic award in the sum of £13,412 calculated as shown on the attached Schedule of Loss.
3. The respondent shall pay to the claimant a compensatory award in the sum of £26,531.41 calculated as shown on the attached Schedule of Loss.
4. The respondent made unauthorised deductions from the claimant's wages in respect of pension contributions to which he was entitled.
5. The respondent shall pay to the claimant the sum of £3,695.66 calculated as shown on the attached Schedule of Loss.
6. The respondent breached the claimant's contract of employment by failing to reimburse him in respect of expenses paid by the claimant in the course of his employment.
7. The respondent shall pay to the claimant the sum of £2,049.69.

8. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:

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|-----|--|------------|
| (a) | The monetary award is | £39,943.41 |
| (b) | The prescribed element is | £18,491.55 |
| (c) | The prescribed period is from 30 January to 7 September 2017 | |
| (d) | The amount by which the monetary award exceeds the prescribed element is | £21,447.86 |

Employment Judge Sherratt

7 September 2017

JUDGMENT SENT TO THE PARTIES ON

12 September 2017

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.

SCHEDULE OF LOSS

DETAILS

Gross weekly pay:	£769.23. In relation to the basic award the statutory cap of £479 applies.
Net weekly basic pay inclusive of Claimant's pension contributions:	£568.89
Contractual notice period:	12 weeks
Claimant's date of birth:	21 August 1956
Period of service:	From 7 April 1997 to 30 January 2017
Complete years of continuous service:	19 years
Age at effective date of termination:	60 years
To date of new employment:	17 July 2017

BASIC AWARD

28 X £479:		Basic award: £13,412
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COMPENSATORY AWARD

Loss to date of new employment		
Loss of basic salary to estimated date of tribunal (24 weeks x £568.89):	£13,653.36	
Loss of statutory rights:	£350.00	
Loss of pension benefit to date of new employment (240 weeks at £23.08 per week):	2 £552.9	
Loss of Medical insurance to date of new employment (24 weeks based on £2,679.12 per annum, which is £51.52 per week):	£1,236.51	
Loss of Company car to estimated date of new employment (24 weeks based on an online car benefit valuation of £5,856 per annum):	£2,702.76	

Total losses to date of new employment ("past loss"):		£18,495.55
Total past loss:		£18,495.55
Future loss		
<p>The Claimant obtained a new job, which commenced on 17 July 2017 at an annual salary of £36,000. The Claimant remains subject to completing a satisfactory 6 month probationary period. The Claimant is paid £692.30 gross per week, which works out at a net total of £533.87 per week and a difference of £35.02 net per week. The Claimant now receives pension from his employer at 2%, which works out at £20.07 per week and a difference of £3.01. The Claimant is not eligible for medical insurance until the completion of a satisfactory probationary period. The Claimant has access to a company car, the annual benefit of which is £3,801.00</p>		
Future loss of earnings (28 weeks at £35.02):	6	£980.5
Future loss of pension (28 weeks at £3.01 per week)		£84.28
Future loss of Medical insurance (28 weeks at £51.52 per week)	.56	£1,442
Future loss of Company Car (28 weeks based on an online benefit valuation of £3,801.00 per annum. The difference has been calculated between the previous and current benefit valuations and multiplied to obtain the figure for 28 weeks losses: $(112.61 - 73.09) \times 28$ which is therefore $£39.52 \times 28$).	.56	£1,106
Future losses:		£3,613.96
COMPENSATORY AWARD GRAND TOTAL:	£22,109.51	
Grossing up for effect of taxation using taxation rate of 20%:	£26,531.41	
	Total:	£26,531.41

The Claimant received Jobseeker's Allowance from 10 April 2017 until 17 July 2017 at a rate of £73.10 per week. ($14 \times £73.10 = £1,023.40$)
PENSION PAYMENTS AND EXPENSES

Other sums due: Pension contributions		£3,695.66
Other sums due: Expenses		£2,049.69

TOTAL

Unfair dismissal basic award:	£13,412.00	
Compensatory award:	£26,531.41	
Pension Contributions	£3,695.66	
Expenses	£2,049.69	
TOTAL:		£45,688.76



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2402849/2017

Name of Mr MB Burton v Bolton Textiles Ltd (In
case(s): Administration)

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 12 September 2017

"the calculation day" is: **13 September 2017**

"the stipulated rate of interest" is: 8%

MISS K MCDONAGH
For the Employment Tribunal Office