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EMPLOYMENT TRIBUNALS

Claimant: Mr S Cogan

Respondents: EC1 Refurbishments LLP

Heard at: East London Hearing Centre **On:** 3 May 2017

Before: Employment Judge Foxwell

Members: Mr G Tomey
Mr P Pendle

Representation

Claimant: Mr T Kirkby (friend)

Respondent: Did not appear

JUDGMENT

It is the unanimous judgment of the Tribunal that:

1. The Claimant was unfairly dismissed.
2. The Respondent subjected the Claimant to discrimination arising from disability contrary to section 15 Equality Act 2010 in the manner of his dismissal.
3. The Respondent shall pay £40,238.41 to the Claimant as set out in the schedule to this judgment.
4. The recoupment provisions apply as follows:

a. Prescribed period:	10 June 2015 to 3 May 2017
b. Total award:	£39,922.32 (excluding grossing up)
c. Prescribed element:	£23,383.90
d. Balance	£16,538.41
5. The Respondent shall pay a financial penalty of £5,000 to the Secretary of State

pursuant to section 12A Employment Tribunals Act 1996.

Employment Judge Foxwell

5 May 2017

SCHEDULE OF AWARDS

1. Details

Date of birth of claimant	22/07/1971
Date started employment	22/06/2011
Effective Date of Termination	09/06/2015
Period of continuous service (years)	3
Age at Effective Date of Termination	43
Remedy hearing date	03/05/2017
Date by which employer should no longer be liable	09/06/2016
Statutory notice period (weeks)	3
Net weekly pay at EDT	373.00
Gross weekly pay at EDT	462.00
Gross annual pay at EDT	24,000.00

2. Basic award

Basic award	1,848.00
Number of qualifying weeks (4) x Gross weekly pay (462.00)	
Total basic award	1,848.00

3. Compensatory award (immediate loss)

Loss of net earnings	19,468.59
Number of weeks (52.2) x Net weekly pay (373.00)	
Plus loss of statutory rights	250.00
Pension loss	0.00
Pension loss	0.00
Total compensation (immediate loss)	19,736.59

4. Adjustments to total compensatory award

Plus failure by employer to follow statutory procedures @ 20%	3,947.32
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Compensatory award before adjustments	19,736.59
Total adjustments to the compensatory award	3,947.32
Compensatory award after adjustments	23,683.91
5. Non financial losses	
Injury to feelings	12,500.00
Plus interest @ 8% for 690 days	1,890.41
Total non-financial award	14,390.41
6. Summary totals	
Basic award	1,848.00
Compensation award including statutory rights	23,683.91
Non-financial loss	14,390.41
TOTAL	39,922.32
GROSSING UP AT 20.00%	42,402.89
AFTER COMPENSATION CAP OF £24,000.00 (GROSS ANNUAL PAY)	40,238.41

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.