



EMPLOYMENT TRIBUNALS

Claimant

Mr AW Mitchell

v

Respondent

Amiho Technology Limited

REMEDY HEARING

Heard at: Bury St Edmunds

On: 16 April 2018

Before: Employment Judge Laidler

Members: Ms L Daniels and Mr D Hart

Appearances:

For the Claimant: Mr A Robson, Counsel.

For the Respondents: Mr M Curtiss, Counsel.

JUDGMENT ON REMEDY

1. The respondent to pay to the claimant the following sums as compensation for unfair dismissal and disability discrimination:

Basic Award Agreed at 6.5 x £479	£3,113.50
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Financial loss

From the effective date of termination to the full merits hearing on 19 June 2017:

47 weeks x £506	£23,782.00
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Loss of statutory rights	£300.00
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£24,082.00

Less

Job seekers allowance/income support received	£877.20
5 weeks' notice payment by Respondent	<u>£2,530.00</u>
	£3,407.20
Net loss to date of full merits hearing	£20,674.80

**Loss from full merits hearing to 16 April 2018
(the date of this hearing).**

43 weeks x £506	<u>£21,758.00</u>
Total financial loss to 16 April 2018	£42,432.80

Future loss

Future loss of earnings – 26 weeks x £506	£13,156.00
Total financial loss	<u>£55,588.80</u>

NON- FINANCIAL LOSS

Injury to feelings (of which £5000 represents aggravated damages)	£21,000.00
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UPLIFT FOR FAILURE TO FOLLOW THE ACAS CODE

25%

2. The above decision having been given the parties agreed interest and grossing up and that the total award to the Claimant should be **£143,075.15**.
3. The Respondent is given permission to apply by the 23 April 2018 if it seeks to argue that the grossing up of the injury to feelings award should have been treated differently.

CLAIMANT'S COSTS APPLICATION

4. The Respondent did not seek to oppose the application and the tribunal accepts that circumstances did exist within the meaning of Rule 76(1)(a) & (b) such as to entitle it to determine the Claimant's costs application.

5. The amount of those costs will be determined by way of detailed assessment carried out by this Employment Judge.
6. Case Management orders in relation to the costs application are set out below.

Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.

CASE MANAGEMENT DISCUSSION

1. It was agreed that guidance could be sought on detailed assessment from CPR Rule 47 but that it would be open to either party to argue that a particular requirement of the Rule or associated Practice Direction was not appropriate in the circumstances of this case.
2. As concerns have been raised as to the Respondent's liquidity the Claimant asked for a longer period within which to prepare its detailed bill of costs. The following dates were agreed.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. By the **16 July 2018** the claimant to file and serve its bill of costs.
2. The respondent to file and serve its points in dispute by the **6 August 2018**.
3. The detailed assessment to be listed for a 2-day hearing before this Employment Judge after the end of August 2018.
4. The parties are to provide dates to avoid for that hearing by the **23 April 2018**.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The tribunal may also make a further order (an "unless order") providing that unless it is complied with, the claim or, as the case may be, the response shall be

struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.

3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Laidler

30 / 4 / 2018

Sent to the parties on:

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For the Tribunal:

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