



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Miss D Melkis

Genassist Third Party
Administrators Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A HEARING

HELD AT Birmingham (remotely, via CVP and telephone)

ON 15 June 2021

EMPLOYMENT JUDGE Dimbylow

Representation

For the claimant: Mr F Azman, Counsel

For the respondent: Not present or represented

This hearing took place against the background of the coronavirus pandemic; and was conducted remotely by video platform and telephone in accordance with safe practice and guidelines.

JUDGMENT

Upon there being no response filed with the tribunal by the respondent and the claims therefore not being disputed:

1. The claimant was automatically unfairly dismissed as the respondent failed to establish a potentially fair reason for dismissal. I order the respondent to pay compensation to the claimant in the sum of £58,153.64. Recoupment of benefits does not apply. The compensation is calculated as follows:

- Basic award = £9,906.00 (13 x 1.5 x £508.00)

- Compensatory award: loss of earnings for 52 weeks from 23 February 2019 to 22 February 2020 = £47,747.64 (net)
- Loss of statutory employment rights = £500.00

2. The claimant's claim for damages for failure by the respondent to give the full period of notice or payment in lieu thereof is well-founded and succeeds. I order the respondent to pay damages to the claimant for the period from 26 January 2019 to 22 February 2019, being 4 weeks x £923.07 = £3,692.28 (net).

3. The respondent failed to pay the claimant for holidays accrued but not taken. I order the respondent to pay the claimant compensation for 8 days, being 8 x £184.61 = £1,476.88 (net).

4. The claimant's claim for compensation for failure to provide an itemised pay statement is dismissed upon withdrawal by the claimant.

5. For the respondent's breach of the ACAS Code of Practice I uplift the following items: the compensatory award for loss of earnings, the award for loss of statutory employment rights, damages for breach of contract over notice and failure to pay holiday pay, by a further 25%, which amounts to the additional sum of £13,354.20 which I order the respondent to pay to the claimant.

Signed by on Employment Judge Dimbylow

on 15 June 2021