



# EMPLOYMENT TRIBUNALS

**Claimant:** Demetris Sofoklis

**Respondent:** St Mickalos Company Ltd

## JUDGMENT

### The Employment Tribunal Rules of Procedure 2013 - Rule 21

This claim was lodged with the London South Employment Tribunals on 30 November 2023. The Respondent was sent notice of the claim on 14 February 2024 with a response expected – pursuant to Rule 16 – by 13 March 2024. The Respondent has failed to submit any response and has made no application for an extension of time in which to do so. I am satisfied that I can properly and fairly enter a judgment on this claim.

The Claimant was unfairly dismissed by the Respondent. It is declared that the Respondent made unlawful deductions from the wages properly due to the Claimant. The Respondent failed to follow the applicable ACAS code. The Respondent has caused the Claimant to suffer a loss of statutory rights.

The claim form also indicated claims for breach of contract (in respect of pay uplifts which were not given) and for unpaid holiday pay. It did not appear from the detailed pleadings (particulars of claim) that these were heads of claim which were pursued. In any event no remedy was identified in the Remedy section of the detailed particulars of claim.

To the extent that it is necessary for me to resolve all elements of the claim before me, I dismiss the claims for breach of contract and unpaid annual leave as they were not actively pursued.

As set out in the annex to this judgment, the Respondent must pay to the Claimant the total sum of **£19,821.40** forthwith.

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Judge M Aspinall (sitting as an Employment Judge)  
Date: 11 April 2024

ANNEX

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 2306757-2023**

**BETWEEN**

**Demetris Sofoklis  
AND  
St Mickalos Company Ltd**

**1. Details**

Date of birth of claimant	11/12/1955
Date started employment	01/01/1996
Effective Date of Termination	08/08/2023
Period of continuous service (years)	27
Age at Effective Date of Termination	67
Remedy hearing date	11/04/2024
Date by which employer should no longer be liable	31/10/2023
Statutory notice period (weeks)	12
Net weekly pay at EDT	344.35

- *Gross weekly pay: £370*
- *Personal Allowance: £12,570 per year*
- *Taxable pay: £370 \* 52 = £19,240 - £12,570 = £6,670*
- *Tax at 20% on £6,670: £1,334*
- *No NI as he reached State Pension Age*

*Therefore:*

- *Gross: £370*
- *Tax: £1,334 / 52 = £25.65*
- *NI: £0*
- *Net pay: £370 - £25.65 - £0 = £344.35.*

Gross weekly pay at EDT	370.00
Gross annual pay at EDT	19,240.00

**2. Basic award**

Basic award	11,100.00
Number of qualifying weeks (30) x Gross weekly pay (370.00)	

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<b>Total basic award</b>	<b>11,100.00</b>
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**3. Compensatory award (immediate loss)**

Loss of net earnings	12,155.56
Number of weeks (35.3) x Net weekly pay (344.35)	
Plus loss of statutory rights	500.00
Plus Unlawful deduction from wages (£30 x 78 weeks)	2,340.00
Less sums obtained, or should have been obtained, through	-8,018.44

mitigation	
Failure to mitigate	8,018.44
<b>Total compensation (immediate loss)</b>	<b>6,977.12</b>
<b>4. Adjustments to total compensatory award</b>	
Plus failure by employer to follow statutory procedures @ 25%	1,744.28
<b>Compensatory award before adjustments</b>	<b>6,977.12</b>
<b>Total adjustments to the compensatory award</b>	<b>1,744.28</b>
<b>Compensatory award after adjustments</b>	<b>8,721.40</b>
<b>5. Summary totals</b>	
Basic award	11,100.00
Compensation award including statutory rights	8,721.40
<b>Total</b>	<b>19,821.40</b>
<b>AFTER COMPENSATION CAP OF £19,240.00 (GROSS ANNUAL PAY)</b>	<b>19,821.40</b>