



EMPLOYMENT TRIBUNALS

Claimant: Mr Y Yilmaz
Respondent: (1) Mr T Olgun
(2) El Pueblo Limited

Heard at: Liverpool **On:** 20 July 2021

Before: Employment Judge Benson

Representation

Claimant: in person
Respondent: Mr B Hendley - Consultant

JUDGMENT

1. The claimant was unfairly dismissed by the second respondent. The second respondent is ordered to pay to him a basic award of **£5,380** and a compensatory award of **£1009.25** net.
2. The second respondent has breached the claimant's contract in failing to provide him with notice. It is ordered to pay damages in the net sum of **£5,092.50**.
3. The claimant has suffered an unlawful deduction from his pay. The second respondent is ordered to pay to the claimant the sum of **£11,033.80** gross.
4. All claims against the first respondent are dismissed.

Schedule

Date of Birth of Claimant: 15 March 1980.
Date of Start of Employment: 1 January 2010
Date of Dismissal: 2 September 2020
Age of Claimant at dismissal: 40 years.
Years' Service: 10 years
Gross monthly pay: £2,500
Gross weekly pay: £2,500 x 12/52= £576.92
Cap on gross weekly pay: £538

Net Monthly Pay: £2,206.76
Net weekly pay: £2,206.76 x 12/52=£509.25

Unfair dismissal:

Basic Award: 10 weeks x £538 = £5,380
Loss of Statutory Rights: £500
Compensatory Award: 1 week x £509.25=£509.25

Total for Unfair Dismissal £6,389.25

Unauthorised deduction from wages: 5 x £2,206.76 = £11,033.80

Damages: Notice Pay: 10 weeks x £509.25= £5,092.50

Employment Judge **Benson**

Date 22 July 2021

JUDGMENT SENT TO THE PARTIES ON

23 July 2021

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2420011/2020**

Name of case: **Mr Y Yilmaz** v **El Pueblo Ltd**

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 judgment day" is: 23 July 2021

"the calculation day" is: 24 July 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.