



EMPLOYMENT TRIBUNALS

Claimant

Mr J Szehofner

v

Respondent

Barnett Transport Ltd

Heard at: Manchester

On: 4 and 5 January 2022

Before: Employment Judge Wyeth

Appearances:

For the Claimant: Ms T Hand (Counsel)

For the Respondent: Mr T Fuller (Chartered Legal Executive)

JUDGMENT

1. The claimant was unfairly dismissed.
2. Had the claimant not been unfairly dismissed there was an 80 per cent chance that he would have been dismissed fairly in any event (otherwise known as a 'Polkey reduction') and this should be reflected in any compensatory award element of his damages.
3. The respondent was in breach of the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is just and equitable to apply an uplift on the claimant's compensatory award element of his damages by 5 per cent.
4. There is to be a contributory conduct reduction of 85 per cent to be applied to both the basic and compensatory awards comprising the claimant's damages.
5. The claimant was not dismissed in breach of contract and his wrongful dismissal claim fails.

6. By agreement with the parties this matter is listed for a one day remedy hearing to be held by CVP commencing at 10am on **Monday 25 April 2022**.

Employment Judge Wyeth

Date: 10 January 2022

Sent to the parties on:

14 January 2022

For the Tribunal: