



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Magar

**Respondent:** Ministry of Defence

**Heard at:** East London Hearing Centre

**On:** 8, 9 and 14 May 2019  
15 May 2019 (for Judgment by telephone)

**Before:** Employment Judge Russell

**Representation**  
**Claimant:** Mr J Wallace (Counsel)  
**Respondent:** Ms L Robinson (Counsel)

## JUDGMENT

1. The claim of unfair dismissal succeeds.
2. Any compensatory award will be reduced by 20% to reflect the chance of a fair dismissal if a reasonable investigation had been undertaken.
3. There will be a 10% uplift to any award to reflect the Respondent's unreasonable failure to comply with paragraph 5 of the ACAS Code.
4. Any basic and compensatory award will be reduced by 60% to reflect the Claimant's contributory fault.
5. The claim of wrongful dismissal is dismissed.
6. There will be a Remedy Hearing on 8 July 2019 at 10am.

Employment Judge Russell

15 May 2019