



EMPLOYMENT TRIBUNALS

Claimant: Mr S O'Brien

Respondent: Tesco Stores Limited

Heard at: Manchester

On: 5 November 2019

Before: Employment Judge Ross

REPRESENTATION:

Claimant: In person

Respondent: Mr Sanders, Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The name of the respondent is amended to Tesco Stores Limited.
2. The claimant was unfairly (constructively) dismissed but reason of the principle in **Polkey v A E Dayton Services Limited** it was inevitable the claimant would have been dismissed for gross misconduct within eight weeks of his resignation. In addition any basic award and any compensatory award is reduced by 100% for culpable and blameworthy conduct.
3. Accordingly, there is no award for compensation.

Employment Judge Ross

Date: 12 November 2019

JUDGMENT SENT TO THE PARTIES ON
3 December 2019

FOR THE TRIBUNAL OFFICE

Note

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.