



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Goualin  
**Respondent:** Mitie Limited  
**Heard at:** East London Hearing Centre (by Cloud Video Platform)  
**On:** 24 November 2020  
**Before:** Employment Judge Gardiner  
**Members:** Ms S Harwood  
Mr D Ross

## Representation

**Claimant:** In person  
**Respondent:** Mr T Welch, counsel

# REMEDY JUDGMENT

**The judgment of the Tribunal is that:-**

1. The Claimant's applications for an order of re-instatement under Section 113 Employment Rights Act 1996 or for an order of re-engagement under Section 114 Employment Rights Act 1996 are refused.
2. There should be a 75% reduction in the basic award that the Claimant would otherwise be entitled to receive in accordance with Section 119 Employment Rights Act 1996, on the basis that there was conduct of the Claimant before the dismissal such that it is just and equitable to reduce the amount of the basic award, under Section 122(2) Employment Rights Act 1996. The amount of the basic award is **£1378.13**, calculated as follows:
  - a. 100% basic award =  $£525 \times [(9 \times 1) + (1 \times 1.5)] = £525 \times 10.5 = £5512.50$
  - b. 25% basic award =  $£5512.50 / 4 = \mathbf{£1378.13}$

3. There is no compensatory award payable because:
  - a. There should be a 100% reduction to the compensatory award on the basis that the Claimant would inevitably have been fairly dismissed in any event even if a fair procedure had been followed;
  - b. There should be a 75% reduction to the compensatory award in accordance with Section 123(6) Employment Rights Act 1996 on the basis that the dismissal was to any extent caused or contributed to by any action of the Claimant.

**Employment Judge Gardiner  
Date: 25 November 2020**