



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K D'Ambrosio

**Respondent:** Rotable Repairs Limited

**Heard at:** East London Hearing Centre (by Cloud Video Platform)

**On:** 3 December 2020

**Before:** Employment Judge Gardiner

## Representation

**Claimant:** In person

**Respondent:** Mrs T Gunn, Accounts & HR Manager

# REMEDY JUDGMENT

## The judgment of the Tribunal is that:-

1. By way of unfair dismissal remedy, the Claimant is entitled to **£11,047.80**, made up of:
  - a. A basic award of **£4462.50**, calculated as follows:
    - i. £525 (cap on weekly pay) x 11 (years' service aged 40 and under) x 1
    - ii. Plus £525 (cap on weekly pay) x 4 (years' service aged 41 and over) x 1.5
    - iii. = £525 x 17 = £8925
    - iv. Reduction of 50% for contributory fault = £4462.50 (Section 122(2) Employment Rights Act 1996).
  - b. A compensatory award of **£6585.30**, calculated as follows:
    - i. £24950.81 net as pay would have received if retained in demoted role;

- ii. £1197.93 as pension contributions would have received if retained in demoted role;
  - iii. £2443 for the training costs incurred in retraining as a taxi driver;
  - iv. £500 for loss of statutory rights;
  - v. Sub-total = £28631.74;
  - vi. Reduction of 60% for the chance of fair dismissal in any event (*Polkey*) (Section 123(1) ERA 1996) = £11,452.70;
  - vii. Increase of 15% (Section 207A TULRCA 1992) = £13,170.60;
  - viii. Reduction of 50% for contributory fault (Section 123(6) ERA 1996) = £6585.30.
- c. The amount of the prescribed element is **£3292.95**, being 50% of the compensatory award (Regulation 4(2) Employment Protection (Recoupment of Benefits) Regulations 1996).
- d. The period to which the prescribed element relates is **13 November 2019 to 12 November 2020**;

**Employment Judge Gardiner**  
**Date: 3 December 2020**