



EMPLOYMENT TRIBUNALS

Claimant: Mr P Coss

Respondent: Bennington Foods Limited

On: 7 and 8 December 2020 (remotely by CVP)

Before: Employment Judge Ahmed (sitting alone)

Representation

Claimant: In person

Respondent: Mr Bansal, Solicitor

JUDGMENT

The Employment Tribunal Judge gave judgment as follows:-

1. The Claimant was unfairly dismissed.
2. The Claimant would have been fairly dismissed if the Respondent had adopted a fair procedure. Applying the **Polkey** principle (**Polkey v A E Dayton Services Limited** [1988] ICR142) the outcome would have been a fair dismissal. Accordingly there shall be no compensatory award.
3. The Claimant contributed to his dismissal. His basic award shall be reduced by 75% by reason of contributory conduct.
4. The Claimant's employment began on 12 March 2007 (not December 2000). Accordingly the Claimant had 12 years' service at the effective date of termination. Only the basic award is payable and subject to reduction for contribution. His gross weekly pay was £436.40. The basic award after reduction for contributory conduct is £1,581.95.
5. The Respondent is therefore ordered to pay to the Claimant compensation for unfair dismissal of £1,581.95 net.
6. The deposit of £100 paid by the Claimant on 16 December 2019 shall be repaid to the Claimant.

7. The Recoupment Regulations do not apply.

Note: This has been a remote hearing by video [V] through Cloud Video Platform (CVP) which has not objected to by the parties. A face to face hearing was not held because it was not practicable and no-one requested the same and all issues could be determined in a remote hearing.

Employment Judge Ahmed

Date: 18 December 2020

JUDGMENT SENT TO THE PARTIES ON

21/12/2020.....

FOR THE TRIBUNAL OFFICE

Notes

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.

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