



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Clemente  
**Respondent:** MSA Manufacturing Ltd  
**Heard at:** Bristol (by CVP) **On:** 19, 20 & 21 April 2021  
**Before:** Employment Judge Christensen

**Representation**  
Claimant: represented himself  
Respondent: represented by Mr Wayman of Counsel

## JUDGMENT

1. The claimant has been unfairly dismissed by reference to procedural unfairness.
2. The claimant has sought an order for reinstatement or reengagement. I do not make such an order as I am satisfied that in the circumstances of the findings on contributory conduct it is not practicable to do so.
3. Polkey. There is a 100% chance that the claimant would have been dismissed absent the procedural unfairness. The claimant is entitled to one week's pay as compensation. This reflects the additional time that the claimant would have been employed to remedy the procedural defect.
4. Contributory Conduct. The claimant caused or contributed to his dismissal by blameworthy conduct. In accordance with S123(6), it is just and equitable to reduce the compensatory award by 100%. In accordance with S122(2) it is just and equitable to reduce the basic award by 100%.
5. The claimant is not awarded any compensation as a result of the unfair dismissal.

6. ACAS Code. There are failures to have complied with provisions in the ACAS Code which would have led to an uplift in any compensation awarded by 10%

**Employment Judge Christensen**  
**Date: 21 April 2021**

Judgment sent to the Parties: 29 April 2021

FOR THE TRIBUNAL OFFICE