



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Curran  
**Respondent:** Doosan Babcock Limited  
**Heard at:** Manchester Employment Tribunal  
**On:** 21<sup>st</sup> & 22<sup>nd</sup> September 2021  
**Before:** Employment Judge Howard

## Representation

**Claimant:** In person  
**Respondent:** Mr K Duffy, solicitor

# JUDGMENT

The claimant's claim of unfair dismissal pursuant to the provisions of S95 & 98 Employment Rights Act 1996 succeeds. The claimant was unfairly dismissed.

The claimant contributed to his dismissal through his culpable conduct; this is reflected in a reduction to the basic and any compensatory award of 80%.

The 'Polkey' provisions apply; any compensatory award is reduced by 80% to reflect the likelihood that the claimant would have been dismissed in any event.

The claimant's claim of breach of contract, being unpaid notice of termination of employment fails and is dismissed.

The matter is listed for a Hearing to Determine Remedy on **13<sup>th</sup> January 2022** in the Manchester Employment Tribunal and the following directions shall apply:

1. The hearing will be hybrid, with the claimant in person and the respondent via CVP.
2. By **20<sup>th</sup> October 2021**, the claimant shall send to the respondent a revised schedule of loss, witness statement dealing with remedy and mitigation and any supporting documentation upon which he wishes to rely in support of his schedule of loss.
3. By **17<sup>th</sup> November 2021**, the respondent shall send to the claimant a counter schedule with commentary and any witness statements of documentary evidence to be relied upon at the remedy hearing.
4. The respondent will prepare the bundle of documents for the remedy hearing and shall agree content with the claimant and send him a

complete copy of the bundle by **23<sup>rd</sup> December 2021**.

Employment Judge Howard  
Date: 22<sup>nd</sup> September 2021

ORDER SENT TO THE PARTIES ON  
24 September 2021

FOR THE TRIBUNAL OFFICE

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