



EMPLOYMENT TRIBUNALS

Claimant: Mr V Ruska

Respondent: Cross Street Garage

HELD AT: Bristol (by VHS)

ON: 9-11 March 2022

BEFORE: Judge Cowx (sitting alone)

REPRESENTATION:

Claimant: Mrs E Skinner of Counsel

Respondent: Ms S Painter of Counsel

JUDGMENT

1. The claimant's claim of unfair dismissal succeeds.
2. The respondent had a genuine belief that the claimant had behaved in the manner alleged and gave as reasons to the claimant for his dismissal.
3. The respondent had reasonable grounds upon which to base its belief that the claimant had behaved in the way alleged.
4. The claimant behaved in the manner alleged and such conduct amounted to gross misconduct.
5. Summary dismissal of the claimant by the respondent was within the range of reasonable responses open to the respondent.
6. The respondent did not carry out a reasonable investigation of the allegations made against the claimant and did not carry out a fair and reasonable disciplinary procedure. Therefore, the unfair dismissal was one of procedural unfairness.
7. The claimant would still have been dismissed on the same date as he was dismissed if the correct and fair procedure had been carried out.
8. The claimant's claim for a basic award of compensation was reduced by 100% pursuant to Section 122(2) of the Employment Rights Act 1996 because

the claimant was entirely responsible for his own dismissal and it was therefore just and equitable to so reduce the amount claimed.

9. The claimant's claim for a compensatory award of compensation was reduced by 100% pursuant to Section 123(6) of the Employment Rights Act 1996 because the claimant suffered no loss as a result of the respondent's procedural unfairness and the claimant was entirely responsible for his own dismissal, therefore it was just and equitable to so reduce the amount claimed.

Judge Cowx
Date: 13 March 2022

Judgment sent to parties: 25 March 2022

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. 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.