



EMPLOYMENT TRIBUNALS

Claimant: Mr D Greer
Respondent: London Underground Limited
Heard at: East London Hearing Centre (via CVP)
On: 16, 17 & 18 March 2022
Before: Employment Judge John Crosfill
Members: Ms M Long
Mr ML Wood

Representation

Claimant: Mr Oliver Lawrence of Counsel
Respondent: Ms Bianca Venkata of Counsel

JUDGMENT

1. The Claimant's claims for direct discrimination because of age and/or race are dismissed upon withdrawal by the Claimant.
2. The Claimant's claim of unfair dismissal brought under Part X of the Employment Rights Act 1996 is well founded.
3. The Tribunal found that:
 - a. The basic award payable to the Claimant should be reduced by 70% to reflect the conduct of the Claimant that caused or contributed to his dismissal; and
 - b. That it would not be just and equitable to make any compensatory award to the Claimant as had the Respondent acted lawfully it could and would have dismissed the Claimant at the same point as it actually did. If the Tribunal have made any error in this regard it would have reduced any compensatory award by 70% pursuant to section 123(6) of the Employment Rights Act 1996.
4. The parties agreed that the sum payable to the Claimant by way of a basic award was £4,438.00 and the Respondent is ordered to pay the Claimant that sum.

5. The recoupment regulations do not apply to the award made above.

6. The Claimant's claim for notice pay brought as a claim of breach of contract pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is dismissed.

Employment Judge Crosfill
Dated: 23 March 2022