



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Williams

**Respondent:** Ministry of Defence

**Heard at:** Cardiff (by video) On:14 & 15 November 2022

**Before:** Employment Judge R Harfield  
Members Mr M Pearson  
Mr M Lewis

**Representation:**

Claimant: Mr Roberts (Counsel)

Respondent: Ms Williams (Counsel)

## JUDGMENT

1. This matter came before us for a remedy hearing. We issue an unanimous partial remedy judgment on some issues put before us in particular to decide, as follows:
  - (a) There is a 50% prospect that the claimant would have commenced a phased return to work in June 2018 in the UKSV role;
  - (b) There is a 50% prospect that the claimant would have maintained that attendance in work through to and including December 2018;
  - (c) From January 2019 there is a 40% chance that the claimant would have commenced a return to his AFO duties and a 40% chance that he would have successfully maintained that return to AFO duties for the foreseeable future (through to the end date of the period before us of March 2021);
  - (d) For the periods of sickness absence where the claimant seeks to recover loss of earnings the calculation should be undertaken on that basis;

- (e) Calculation of pension losses should be calculated at the rate of 30% as claimed by the claimant (the calculation method not being opposed by the respondent), albeit adjusted as above by the same principles and periods of loss that apply to the loss of earnings calculations;
  - (f) The claimant is awarded the sum of £22,000 (twenty-two thousand pounds) injury to feelings;
  - (g) Interest on injury to feelings should be calculated at 8% from 8 May 2018;
  - (h) Interest on financial losses should be calculated in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations;
2. By consent, the claimant is awarded the sum of £7965.81 interest on injury to feelings.
  3. The Respondent accepts that the Claimant is entitled to an award of costs but the amount is in dispute. Unless the parties are able to agree terms, they are agreed that the disputes about costs will be decided by the Tribunal on the papers without the need for another hearing. The Claimant's cost application is to be set out in writing by 20 January 2023 and the Respondent's are to reply by 3 February 2023. Any further reply by the claimant is due by 10 February 2023.
  4. By 6 December 2022 the Respondent is to produce a witness statement explaining each entry on each payslip and what it means and how it has been calculated from June 2018 to date.
  5. The parties are to write to the Tribunal by 6 January 2023 to confirm if they have reached agreement as to the calculation of the remainder of the claimant's losses (and whether a Consent Judgment can and should then be issued) or alternatively to set out their points of agreement and areas of dispute. If a further remedy hearing is needed it will take place on 24 January 2023 by CVP. The parties (the respondent having primary responsibility) are to file a bundle for the further remedy hearing via the DUC at least 7 days before the hearing date.
  6. Due to time constraints only very limited reasons were given by the Tribunal for the decisions set out above. Written reasons were promised and EJ Harfield is endeavoring to get these to the parties as soon as possible.

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Employment Judge R Harfield  
Dated: 14 December 2022

JUDGMENT SENT TO THE PARTIES ON  
29 December 2022

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS