



## EMPLOYMENT TRIBUNALS

Claimant: Mr Jason Rodber  
Respondent: Network Rail Infrastructure Limited  
Heard at: Southampton ET (via CVP)  
On: 6,7 March 2023  
Before: Employment Judge Horder

### Appearances

For the Claimant: In person  
For the Respondent: N.Singer (Counsel)

## JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent's name shall be amended to Network Rail Infrastructure Limited.
2. The Claimant's application to amend his claim to add a claim of Disability Discrimination under the Equality Act is refused.
3. The Claimant's claim for unfair dismissal succeeds.
4. An 80% reduction in the compensatory award will be made under the principles in Polkey v AE Dayton Services Ltd 1988 ICR 142, to be applied only to compensatory losses arising from 11 April 2022. This reflects the date upon which the Claimant is likely to have been dismissed had the Respondent adopted a fair procedure.
5. There shall be no increase in the Claimant's compensatory award under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA).

Employment Judge Horder  
Date: 30 March 2023

Judgment sent to the Parties: 06 April 2023

FOR THE TRIBUNAL OFFICE