



## EMPLOYMENT TRIBUNALS

Claimant: Mr Jason Rodber  
Respondent: Network Rail Infrastructure Limited  
Heard at: Southampton ET (via CVP)  
On: 21<sup>st</sup> of June 2023  
Before: Employment Judge Horder

### Appearances

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

## JUDGMENT ON REMEDY

The judgment of the Tribunal is that:

1. The Respondent shall pay the Claimant the total sum of £22,771.39 in respect of his unfair dismissal, calculated as follows:
  - a. Basic award in the sum of £11,152
  - b. Compensatory award of £11, 619.39 calculated as follows:
    - i. Loss of earnings and pension loss between 11.1.22-11.4.22, calculated on the basis of a net weekly sum of £632.96 = £8,133.46.
    - ii. Loss of earnings and pension loss between 11.4.22-13.5.22, calculated on the basis of a net weekly sum of £632.96 = £2,892.66
    - iii. Loss of earnings and future loss of earnings and pension loss between 14.5.22 – 11.7.23 calculated on the basis of a net weekly sum of £632.96 = £38,294.08
    - iv. Night shift and south east allowance between 14.5.22 – 11.7.23, calculated on the basis of a net figure of £16.13 = £975.86
    - v. Loss of travel card £780

- vi. Re-training £2290
- vii. Loss of statutory rights £500
- viii. Less the following sums:
  - a. The sum paid to the Claimant upon termination of his employment of £17,575.66
  - b. £10,727.75 [£415pw net between 11.1.23 – 11.7.23] in respect of the Claimant's failure to take reasonable steps to mitigate his loss
  - c. An 80% deduction under the principle in Polkey v AE Dayton Services Ltd [NB this is not applied to loss of earnings between 11.1.22 and 11.4.22 as at paragraph 1 b i) above].

Employment Judge Horder  
Date: 21 June 2023

Sent to the Parties on 06 July 2023

For the Tribunal Office