



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Herron

**Respondent:** Network Rail Infrastructure Limited

### FULL MERITS LIABILITY HEARING AT LONDON CENTRAL

**Heard by CVP on 5 September 2024**

**Before:** Employment Judge Nicolle

**Non-legal members:** Ms Z Dramas and Ms E Ali

**For the Claimant:** in person

**For the Respondent:** Ms I Baylis of counsel.

### JUDGMENT

1. The claim pursuant to section 80 G of the Employment Rights Act 1996 succeeds as the Respondent's decision was not communicated to the Claimant within the "decision period" and the "decision period" was not extended in accordance with section 80 G (1C).

2. The Tribunal therefore makes a declaration pursuant to section 80I that the claim is well-founded. However, the Tribunal does not consider that it would be appropriate to exercise its discretion under section 80 I (1) (a) to make an order for reconsideration of the application or under section 80 I (1) (b) to make an award of compensation.

**REASONS**

3. Oral reasons were given to the parties. Either party may request written reasons within 14 days of this judgment being sent to them.

**Employment Judge Nicolle**

**Dated: 5 September 2024**

Sent to the parties on:

12 September 2024

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For the Tribunal Office