



EMPLOYMENT TRIBUNALS

Claimant: Mr S Donnelly

Respondent: DFDS (Guernsey) Limited

JUDGMENT

UPON APPLICATION by the respondent in writing dated 11 August 2026 to reconsider the judgment dated 23 July 2026, sent to the parties on 30 July 2026

Under rule 69 of the Employment Tribunal Procedure Rules 2024, and without a hearing

1. Save for the following exception, the application is refused under rule 70 (2) as there is no reasonable prospect of the judgment being varied or revoked.
2. The exception is that there is a prospect of the award being grossed up to reflect the tax position which will be addressed separately.

REASONS

1. There is no basis for the suggestion that the contribution deduction for the unfair dismissal should also have been applied to the discrimination award. The discrimination award applied to the period dating back to a year before the dismissal and was made on the basis of what would have happened if there had not been an ongoing failure to make reasonable adjustments. There was no finding that the claimant contributed to the failure to make reasonable adjustments. The possibility that the employment might still have ended was reflected in the 50% deduction explained at paragraph 20.
2. The tribunal's findings about whether the claimant was fit to work (and in which role) from 18 September 2023, and whether his health would have declined as

it did if there had not been the discrimination, are set out at paragraphs 15-19. These include the finding that he may well have been much more resilient if he had been working in the shore-side role, but it was also possible that his health would still have declined as it did. That was one of the reasons for the 50% deduction explained at paragraph 20.

3. The Employment Judge's notes suggest that the respondent conceded the share award during the hearing and it is a logical consequence of the concession in respect of the award during the notice period which ended after the relevant date. This explains the limited explanation in the reasons. In any event the respondent's challenge to the share option makes no sense. The amount was agreed and would not have been forfeited if the claimant had been employed on 22 or 23 June 2024. The inclusion in the award is a logical consequence of the discrimination award of loss of earnings which was only reduced to reflect the possibility that the employment might have ended any way for the period commencing 29 June 2024.
4. The tribunal exercised its discretion to start the interest on the injury to feelings award at the beginning. The respondent provides no basis for their suggestion that it should have started at the mid-point.

Employment Judge Corrigan

1 October 2026

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.