



EMPLOYMENT TRIBUNALS

Claimant: Mr N Norcross

Respondent: Pais Franchise Limited t/a Papa Johns Preston

Heard at: Manchester

On:

6 March 2019

Before: Employment Judge Sharkett
(sitting alone)

REPRESENTATION:

Claimant: Mr I Norcross (Father)

Respondent: Mr P Samson (Franchisee)

JUDGMENT

The judgment of the Tribunal is that:

1. The name of the respondent is changed to the correct name, Pais Franchise Limited t/a Papa Johns Preston.
2. The claimant's claim of unfair dismissal is well founded and succeeds.
3. The claimant's dismissal was procedurally unfair and the **Polkey** principles apply
4. Had a fair procedure been followed the claimant would have been dismissed in any event, and the Tribunal make a 100% deduction to the claimant's compensatory award.
5. The claimant contributed to his own dismissal by culpable and blameworthy conduct to the extent of 50%
6. The claimant is entitled to a basic award based on his age at the date of dismissal and his length of service. This is calculated by 3 weeks gross pay @ 250 per week reduced by 50% to reflect the extent to which the claimant contributed to his own dismissal by culpable or blameworthy conduct.
7. The award made to the claimant by the Tribunal is £250 which is payable by the respondent.

Employment Judge Sharkett

Date_19 March 2019

JUDGMENT SENT TO THE PARTIES ON

26 March 2019

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2416678/2018**

Name of **Mr N Norcross** v **Pais Franchise Limited**
case(s): **T/A Papa Johns Preston**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **26 March 2019**

"the calculation day" is: **27 March 2019**

"the stipulated rate of interest" is: **8%**

MRS L WHITE
For the Employment Tribunal Office