



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Worrall

**Respondent:** Martin Wells trading as Marwell Vending

**Heard at:** Liverpool

**On:** 1 and 2 March 2021

**Before:** Employment Judge Aspinall

## REPRESENTATION:

**Claimant:** Mr Lees, counsel

**Respondent:** In person

## JUDGMENT

### The judgment of the Tribunal is that:

1. The claimant's claim for unfair dismissal succeeds. His basic award will be reduced by 90% for culpable and blameworthy conduct. His compensatory award is reduced by 100% for contributory conduct. The amount of reductions differs because it would not be just and equitable to reduce the basic award to nil because in being dismissed without a fair hearing the claimant has been denied an important right.
2. The claimant's claim for wrongful dismissal notice pay fails. He was dismissed for gross misconduct and was not due any notice.
3. The claimant's claim for outstanding payment of holiday pay succeeds. He accrued one twelfth of his 28 days leave entitlement per month from January to 17 August 2019 and took 10 days leave during that period.
4. The claimant's claim for ACAS uplift succeeds and if there had been a compensatory award it would have been uplifted by 25% to reflect the failure of the respondent to follow any fair procedure in dismissing the claimant.

5. The claimant's claim for failure to provide written particulars of employment is dismissed on withdrawal by the claimant.
6. The matter is listed for remedy hearing.

Employment Judge Aspinall

Date: 2 March 2021

JUDGMENT SENT TO THE PARTIES ON  
5 March 2021

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.

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