



# EMPLOYMENT TRIBUNALS

**Claimant:**  
Mr D Szamocki

v

**Respondent:**  
Reflex Labels Limited

**Heard at:** Leicester

**On:** 18 & 19 May 2021

**Before:** Employment Judge Fredericks

## Appearances

For the claimant: Mr L Werenowski (Solicitor)

For the respondent: Ms A Brown (Group HR Manager)

## JUDGMENT

1. The claimant was unfairly dismissed with his effective date of termination being 22 February 2021.
2. The claimant engaged in culpable conduct which contributed to his dismissal and consequently his basic award and compensatory awards are reduced by 25%.
3. The respondent unreasonably failed to comply with the ACAS Code of Practice in relation to disciplinary and grievance and consequently the basic and compensatory awards due to be paid to the claimant are uplifted by 10%.
4. The respondent is ordered to pay compensation to the claimant for unfair dismissal in accordance with the Schedule below.
5. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations apply, and for those purposes:
  - a. The monetary award is £5,338.31;
  - b. The amount of the prescribed element is £2,315.82;
  - c. The prescribed period runs from 22 February 2021 to 18 May 2022; and

- d. The amount by which the money exceeds the prescribed element is £3,022.49.

**Schedule**

- 1. The respondent must pay the claimant the following awards:
  - a. Basic award: **£2,378.41**;
  - b. Compensatory award: **£2,959.90\***.
- 2. Consequently, the respondent must pay to the claimant the **grand total of £5,338.31** subject to any recoupment from the state.
- 3. *\*Explanation of compensatory award:*
  - a. *£3,087.76 in respect of lost earnings to May 2022;*
  - b. *£500.00 in respect of lost statutory rights;*
  - c. *LESS 25% for culpable conduct contributing to dismissal); and*
  - d. *PLUS an uplift of 10% following the respondent's unreasonable failure to follow ACAS codes of practice in relation to disciplinary and grievance.*

**Employment Judge Fredericks**

6 June 2022

Sent to the parties on:

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For the Tribunal Office:

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NOTE: Full reasons for the decision were given orally at the hearing. Written reasons will not be provided unless requested within 14 days of the sending of this judgment.