



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Knox

**Respondent:** Network Rail Infrastructure Ltd

**Heard at:** Reading  
**On:** 4, 5, 6, 7, 8, 11, 12 November 2024

**Before:** Employment Judge Shastri-Hurst, Ms C Bailey,  
Mr F Wright

## Representation

**Claimant:** Mr J Tunley (counsel)  
**Respondent:** Mr J Crozier (counsel)

# JUDGMENT

1. The claim of automatic unfair dismissal under s152 of the Trade Union and Labour Relations (Consolidation) Act 1992 is not well-founded and fails;
2. The claim of ordinary unfair dismissal is well-founded and succeeds;
3. The claimant caused or contributed to the dismissal by blameworthy conduct, and it is just and equitable to reduce the compensatory award payable to the claimant by 10% under s123 of the Employment Rights Act 1996;
4. No reduction is applied to the basic award under s122 of the Employment Rights Act 1996;
5. No reduction to the compensatory award is applied under the case of Polkey;
6. The claimant's claim of wrongful dismissal is well-founded and succeeds;
7. The Tribunal rejected the claimant's request for an order for reinstatement.

---

Employment Judge Shastri-Hurst  
Date: 19/11/2024

JUDGMENT SENT TO THE PARTIES ON – 31/12/2024

N Gotecha  
FOR THE TRIBUNAL OFFICE

**Notes**

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>