



ORDER

Fair Work Act 2009
s 394—Unfair dismissal

Dylan Macnish

v

Virgin Airlines Australia Pty Ltd
(U2024/1853)

COMMISSIONER LIM

PERTH, 13 AUGUST 2024

Application for an unfair dismissal remedy – whether there was a valid reason for dismissal – no valid reason – harsh in the circumstances – reinstatement ordered.

Further to the Decision in [\[2024\] FWC 2154 \(PR778284\)](#), the Commission makes the following Orders:

- A. Pursuant to s 391(1) of the *Fair Work Act 2009 (Act)*, Virgin Airlines Australia Pty Ltd (**Virgin**) is to reinstate Mr Dylan Macnish by reappointing him to the position in which Mr Macnish was employed immediately before his dismissal within twenty-one (21) days of this Order.
- B. Pursuant to subsection 391(2) of the Act, Mr Macnish’s employment with Virgin is continuous from the date of dismissal to the date of reinstatement. The period between dismissal and reinstatement of Mr Macnish is to be counted by Virgin for all purposes as a period of employment.



COMMISSIONER

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