



EMPLOYMENT TRIBUNALS

Claimant: Mr D Dagnall

Respondent: Southwarkpark Nursing Homes Ltd

At an Open Attended Preliminary Hearing

Heard at: Lincoln **On:** Monday 12 November 2018

Before: Employment Judge Hutchinson (sitting alone)

Representation

Claimant: In person

Respondent: Mrs B Furnell (Manager)

JUDGMENT

The Employment Judge gave Judgment as follows; -

The Employment Tribunal does have jurisdiction to hear the claims of unfair dismissal, notice pay and holiday pay and the claim will proceed to a hearing.

Case Management Summary

Background

1. Having heard evidence from the Claimant I was satisfied that I had jurisdiction to hear the Claimant's 3 claims of;

- Unfair dismissal
- Breach of contract in respect of notice pay
- Holiday pay

2. I gave reasons orally and told the parties that they could apply for written reasons in respect of that decision within 14 days of receipt of this Order.

3. I did consider whether I could go on and deal with the merits of the claim as Mrs Furnell and the Claimant were both in attendance and I could have heard the evidence and decided the claims at a hearing. There were 2 problems with this though, namely; -

- 3.1. Neither of the parties had produced payslips or in the Claimant's case, evidence of mitigation of his loss.
- 3.2 The Claimant had an appointment in Grimsby at the passport office at 2pm and so needed to leave the hearing.

In those circumstances I decided to adjourn the hearing.

Listing the hearing

4. The claims will be dealt with by an Employment Judge sitting alone at the **Magistrates Court, 358 High Street, Lincoln LN5 7QA on Monday 26 November 2018 at 10:00 am** or as soon thereafter on that day the Tribunal can hear it. The Tribunal may transfer your case at short notice to be heard at another hearing centre within the region. **One hour** has been allocated to hear the evidence and decide the claim.

5. I decided that it was not necessary to issue any Orders pursuant to the Employment Tribunal Rules 2013. I said to the Respondent though that to determine the claim, I would need to have copies of the payslips of the Claimant from 1 April 2017 until his dismissal at the end of November 2017. Mrs Furnell agreed to email these to the Tribunal and we will then forward them to the Claimant.

6. The Claimant will also send to the Tribunal, also marked for my attention by email, copies of payslips in respect of his new employment. He will also send in details and copies of confirmation in respect of benefits he says that he has received since his dismissal.

Employment Judge Hutchinson

Date 13 November 2018

JUDGMENT SENT TO THE PARTIES ON

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.