



EMPLOYMENT TRIBUNALS

Claimant: Mr D Lawson

Respondent: Cutting Edge Decorating Services Limited

Preliminary hearing heard at: Ashford

On: 21 December 2018

Before: Employment Judge Pritchard

Representation

Claimant: In person

Respondent: Mr R Chandhry, solicitor

JUDGMENT

The Claimant's claim of unfair dismissal is dismissed upon withdrawal.

REASONS

1. The actual dates of the Claimant's employment were agreed between the parties as follows: commencement of employment was 20 February 2017 and employment ended on 20 July 2018. The Claimant conceded that he did not have two years continuous employment and asked for his unfair dismissal claim to be withdrawn. He said he had not realised the requirement for two years' service.
2. The Claimant's remaining claims will proceed to be considered at a final hearing. These claims are:
 - 2.1. Notice pay (breach of contract). The Claimant claims he was constructively dismissed and entitled to notice. The Respondent's case is constructive dismissal is denied and that it wanted the Claimant to work his notice but he failed to do so.
 - 2.2. Unauthorised deductions from wages. The Claimant complains that the Respondent made unauthorised deductions from his wages by way of reimbursement of training costs. The Respondent's case is that the Claimant had previously signified his written consent to the deduction and points to the document at pages 47 and 48 of the bundle of documents

presented at the preliminary hearing. Although there is no specific clause providing the reimbursement of training costs, the Respondent will seek to rely on all the clauses and the generality of the consent.

2.3. Holiday pay. The Claimant alleges that he was not paid for holiday when he took it. The Respondent denies the allegation.

2.4. No further case management orders were issued, only the order relating to witness statements yet to be complied with. The parties were reminded of their duty to cooperate with each other and with the Tribunal. They will agree between themselves a date for mutual exchange of witness statements.

Employment Judge Pritchard

Date: 21 December 2018