



EMPLOYMENT TRIBUNALS

Claimant: Mr M MacEley-Young

Respondent: Angus Fire Ltd

HELD AT: Manchester

ON: 12-15 and 18 March
2019

BEFORE: Employment Judge Slater
Mr D Wilson
Mrs S J Ensell

REPRESENTATION:

Claimant: Mrs L Pogson, HR consultant

Respondent: Miss K Barry, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The complaints of detriment because of making a protected disclosure are dismissed on withdrawal by the claimant.
2. The complaints of disability discrimination numbered 1 and 7 in the list of complaints are dismissed on withdrawal by the claimant.
3. The complaint of breach of contract in relation to a claim for occupational sick pay is dismissed on withdrawal by the claimant.
4. The tribunal has no jurisdiction to consider the complaints of disability discrimination numbered 4, 5, 8, 9, 10 and 11 in the list of complaints as the complaints were presented out of time.
5. The other complaints of disability discrimination are not well founded.
6. The respondent was in breach of contract by failing to pay the claimant a payment in lieu of the amount of holiday he would have been entitled to if he had remained in employment with the respondent until 30 April 2018 and the

respondent is ordered to pay to the claimant damages of £2101.60 in respect of that breach.

7. The complaint of breach of contract in respect of not repaying an amount mistakenly deducted from the claimant's pay and paid to the CSA is not well founded.
8. The complaint of breach of contract in respect of not enrolling the claimant in the company pension scheme is not well founded.
9. The complaint of unfair dismissal is not well founded.

Employment Judge Slater

Date: 18 March 2019

JUDGMENT SENT TO THE PARTIES ON

22 March 2019

FOR THE TRIBUNAL OFFICE

Note

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2420597/2017**

Name of case: **Mr M MacEley-Young** v **Angus Fire Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **22 March 2019**

"the calculation day" is: **23 March 2019**

"the stipulated rate of interest" is: **8%**

Mr S Harlow
For the Employment Tribunal Office