



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Gallagher

**Respondent:** Plusnet Plc

**Heard at:** Leeds

**On:** 10 June 2019

**Before:** Employment Judge Maidment

**Representation**

**Claimant:** In person

**Respondent:** Mr S Hall, Solicitor

## JUDGMENT

1. The Claimant's complaints seeking damages for breach of contract in respect of unpaid commissions are ones which the Tribunal has jurisdiction to hear. They were brought within the applicable time limit, whereas they would not have been as claims for unauthorised deductions from wages.
2. However, the claims in respect of unpaid commission for the periods of suspension straddling September 2017 and/or February 2018 are struck out as having no reasonable prospect of success. The claim in respect of unpaid commission during a suspension in November 2016 shall proceed to a final hearing.
3. The Claimant's complaint of unfair dismissal (based on an alleged constructive dismissal) is struck out as having no reasonable prospect of success.

## ORDERS

1. **By not later than 28 June 2019**, the Respondent shall confirm to the Claimant and to the Tribunal its position in respect of its payment of commission to him during his period of suspension in November 2016 and shall provide to him copies of any supporting documentation.

2. **By not later than 12 July 2019** the Claimant shall confirm to the Respondent and Tribunal whether or not he wishes to pursue his complaint in respect of November 2016 commission. If so, the matter will be listed to be heard before an Employment Judge sitting alone with a time estimate of one and a half hours.

Employment Judge Maidment

Date 10 June 2019

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.

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