



EMPLOYMENT TRIBUNALS

Claimant: Mr M Allen
Respondent: Dunbia (Wales) Limited
Heard at: Cardiff
On: 21 November 2019
Before: Employment Judge Vernon

Representation

Claimant: Mr Wareing (Counsel)
Respondent: Mr Johns (Counsel)

UPON a Preliminary Hearing to determine those issues set out in the Notice of Preliminary Hearing dated 3 September 2019

JUDGMENT

1. The near miss form dated 11 April 2018 is a Protected Disclosure within the meaning of section 43A Employment Rights Act 1996. The issue of whether that Protected Disclosure was the reason for the Claimant's dismissal (for the purposes of his complaint of automatic unfair dismissal contrary to section 103A Employment Rights Act 1996) shall be determined at the final hearing.
2. The letter of grievance dated 13 April 2018 was not received by the Respondent prior to the Claimant's Effective Date of Termination. Therefore any claim of unfair dismissal which relies upon the 13 April 2018 letter as the reason for dismissal cannot succeed.
3. The Claimant's complaints of unpaid wages (both unlawful deductions from wages contrary to section 13 Employment Rights Act 1996 and breach of contract) are dismissed upon withdrawal by the Claimant.
4. The Claimant's application to amend the ET1 dated 12 April 2018 is refused.

Employment Judge Vernon

Date 21 November 2019

JUDGMENT SENT TO THE PARTIES ON 25 November 2019

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FOR THE TRIBUNAL OFFICE

Note

Written reasons will not be provided unless 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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