



EMPLOYMENT TRIBUNALS

Claimant: Mr E Swaby

Respondent: Langham Homes Limited

JUDGMENT

The claimant was unfairly dismissed.

REASONS

1. The parties agree that the claimant was an employee with over two years' service and was dismissed. At a hearing on 12 September 2019 I imposed a deposit order in respect of the respondent's contention that the claimant's dismissal was fair, for reasons given at the time.
2. The respondent has not paid the amount ordered to be paid. The effect of the non-payment of the deposit is that respondent is precluded from arguing that the claimant's dismissal was fair. Given that the respondent bears the initial burden of showing a fair reason for dismissal it must follow that his dismissal is unfair, and a judgment to that effect is now issued.
3. This does not affect (i) the respondent's right to fully participate in any arguments about the appropriate remedy for unfair dismissal (and to give evidence in respect of this, including on any matter of contributory fault or for a Polkey reduction, if such an argument is made) or (ii) any of the other claims brought by the claimant including his argument that his dismissal is automatically unfair under s103A of the Employment Rights Act 1996.
4. The remaining case management orders and listing of the case for a full hearing continue to apply.

Employment Judge Anstis

Date: 9 January 2020

JUDGMENT SENT TO THE PARTIES ON

Date: _____

FOR THE TRIBUNAL OFFICE

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