



THE EMPLOYMENT TRIBUNALS

Claimant: Mr A Elzaghdani

Respondent: Concentrix CVG CMG UK Limited

Heard at: North Shields Hearing Centre **On:** Monday 13th January 2020

Before: Employment Judge Martin

Representation:

Claimant: No attendance or representation

Respondent: Mr M Brien (Counsel)

JUDGMENT

The claimant's claim for a redundancy payment is not well-founded and is hereby dismissed.

REASONS

1. There was no attendance by the claimant or request for an adjournment. The claimant did however provide some further information to the Tribunal by e-mail on 7th January 2020, together with a letter from the respondent to him of 22nd August 2019 warning him of his potential redundancy.
2. The Tribunal heard evidence from Mrs Brown and was provided with a small bundle of additional documents.
3. The Tribunal considered all the evidence provided and Section 135 of the Employment Rights Act 1996; which provides that an employee is only entitled to a redundancy payment, if the employee is dismissed by reason of redundancy.
4. The Tribunal accepts Mrs Brown's evidence that the claimant resigned during the consultation period to take up another position with Cisco, their client. The Tribunal was provided with the claimant's letter of resignation.

5. At the time that the claimant resigned he had not been given notice of termination of his contract, although he had been warned of a possible redundancy situation.
6. The Tribunal notes that no redundancies in fact took place. The other nine employees, who were warned about potential redundancies, either accepted alternative employment (the claimant was made offers of alternative employment which he declined as he was entitled to do) or resigned from their employment.
7. As the respondent did not give the claimant notice to terminate the claimant's employment by reason of redundancy, or otherwise, there was no dismissal. The claimant in fact terminated the contract of employment by resigning from his employment. For those reasons the claimant's claim for redundancy payment fails.

EMPLOYMENT JUDGE MARTIN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 16 January 2020**

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