



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr. MARK HEWLETT**

**v**

**EBURY PARTNERS UK LIMITED**

**Heard at:** London Central (by video)

**On:** 15,16 & 17 June 2021

**Before:** Employment Judge P. Klimov, sitting alone

## **Representation**

**For the Claimant:** Mr Adam Ohringer (of Counsel)

**For the Respondent:** Mr Peter Linstead (of Counsel)

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was by Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable due to the Coronavirus pandemic restrictions and all issues could be determined in a remote hearing.

## **JUDGMENT**

1. The Claimant was contractually entitled to receive 2,000 shares from the Respondent. In partial satisfaction of its obligation the Respondent transferred to the Claimant 1,275 shares.
2. By denying that the Claimant was entitled to shares promised to the Claimant by the Respondent in December 2017 the Respondent was:
  - (i) in fundamental breach of the express term of the Claimant's contract providing the Claimant with that entitlement; and
  - (ii) in breach of the implied term of trust and confidence.
3. The Claimant was unfairly (constructively) dismissed by the Respondent.
4. The Respondent must pay to the Claimant compensation for unfair dismissal to be determined at a remedy hearing (if not agreed by the parties) to be listed by the Tribunal.

5. The Claimant's claim for unauthorised deduction from wages fails and is dismissed.

**Employment Judge P Klimov  
17 June 2021**

Sent to the parties on:

.18/06/2021.

For the Tribunals Office

### **Notes**

Reasons for the judgment having been given orally at the hearing. Written reasons have been requested by the Claimant and the Respondent at the end of the hearing, in accordance with Rule 62(3) of the Rules of Procedure 2013 and will be provided in due course.

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