

Case Number: 1403655/2021



EMPLOYMENT TRIBUNALS

Claimant

(1) Mrs Christine Frew
(2) Mr Gordon Frew

v

Respondent

Superflex Ltd

Heard at: Video

On: 29 and 30 June 2022

Before: Judge Guy Davies

Appearances

For the Claimant: Litigant in person

For the Respondent: Ms Amy Jervis

JUDGMENT

Claims made by claimant 1 Mrs C Frew

1. In relation to the unfair dismissal claim the judgment of the Tribunal is that the claimant's dismissal was fair and reasonable in all the circumstances of the case, and I therefore dismiss the claimant's unfair dismissal claim.
2. In relation to the breach of contract claim for failure to give proper notice the judgment of the tribunal is as follows. In circumstances where the claimant was summarily dismissed for gross misconduct she is not entitled to contractual notice and I dismiss her claim for breach of contract in respect of her notice pay.
3. In relation to the breach of contract claim for damages for failure to comply with an agreement to buy back shares, the judgment of the Tribunal is as follows. The contractual terms include a clause to the effect that the buy back is entirely at the discretion of the respondent. This claim is outside the jurisdiction of this tribunal because it does not arise and was not outstanding on termination of employment. This claim is dismissed.
4. In relation to the breach of contract claim for damages for loss of share option rights, the judgment of the tribunal is as follows. The terms of the scheme included an exclusion clause which applies to exempt the employer from liability

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to pay compensation for loss of rights under the option scheme in circumstances in which the employee ceased to be employed. This claim is dismissed.

5. In relation to the claim for compensation for damage to a motor car. This claim is outside the jurisdiction of this tribunal and is dismissed.

Claim by claimant 2 Mr G Frew

6. The claim has been withdrawn. The claim is dismissed in accordance with Rule 52.

Judge Guy Davies

Dated: 30 June 2022

Sent to the parties on

11 July 2022

By Mr J McCormick

For the Tribunal

Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.