



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Kelly

**Respondent:** Mowlem and Company (Manufacturing) Limited

**Heard at:** Newcastle Employment Tribunal

**On:** 26 and 27 June 2023

**Before:** Employment Judge Murphy  
Ms L Jackson  
Mr R Greig

## Representation

Claimant: In person

Respondent: Mr P Sangha of counsel

# JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant was unfairly dismissed. The respondent is ordered to pay to the claimant compensation in the sum of FOUR THOUSAND TWO HUNDRED AND FIFTY POUNDS (£4,250).
2. The claimant's complaint that the respondent has unlawfully discriminated against him contrary to section 15 and 39(2)(c) of the Equality Act 2010 (discrimination arising from disability) is not well founded and is dismissed.
3. The claimant's complaint that the respondent has unlawfully discriminated against him contrary to section 13 and 39(2)(c) of the Equality Act 2010 (direct disability discrimination) is not well founded and is dismissed.
4. The claimant's complaint that the respondent unlawfully discriminated against him contrary to sections 20 and 21 of the Equality Act 2010 (failure to make reasonable adjustments) is not well founded and is dismissed.

5. The claimant's claim for damages for a breach of contract in respect of an asserted term entitling him to a pay increase in the period from the date falling 12 weeks after 2 August 2017 until his employment ended is not well founded and is dismissed.
  
6. The claimant's claim for a statutory redundancy payment is dismissed pursuant to Rule 52 of the ET Rules 2013, the claimant having withdrawn his complaint at the hearing on 26 June 2023.
  
7. The claimant's complaints of breach of contract and / or of an unauthorised deduction from his wages relating to pay he asserts he was owed in the period between 3 and 26 October 2022 are not well founded and are dismissed.

L Murphy

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**Employment Judge Murphy  
(Scotland), acting as an Employment  
Judge (England and Wales)**

Date 28 June 2023

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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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