



EMPLOYMENT TRIBUNALS

Claimant: Mr E Prushi

Respondent: Gatwick Construction Ltd

Heard at: London South ET (by CVP video hearing) **On:** 28 June 2023

Before: Employment Judge Hena

Representation

Claimant: In Person

Respondent: No Representative, Mr and Mrs Toon (Managing Director and Director)

JUDGMENT

The Tribunal makes the following findings:

1. The claimant's claim for wrongful dismissal, pursuant to s.98 of the Employment Rights Act 1996, does not succeed, it was found whilst the respondent's procedure for gross misconduct was lacking, the conduct was appropriately determined by the respondent as gross misconduct as set out in the employment contract.
2. That the claimant's claim for unauthorised deductions of wages for the period of the 1 July to 23 July 2021 for the sum of £2,546.80 has not succeeded. The respondent was entitled according to the contract of employment to recover their overpayments and the claimant was not entitled to any notice pay.

In respect of the case management applications made prior to the hearing commencing the Tribunal found:

1. The respondent's application to include two emails relating to the claimant not working during his sick leave, which were found the morning of the hearing, was refused as late admittance would be unfair on the claimant.
2. The respondent's application to include two degree certificates for the claimant as evidence was refused as it was sent to him on 30 May 2023, without an explanation as its relevance to his claim and it was after the documents should have been agreed between to the two parties.

Employment Judge Hena

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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