



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A. Sarkozy

**Respondent:** Amalga Ltd

**Heard at:** Watford

**On:** 24, 25, 26 and 27 July 2023

**Before:** Employment Judge McNeill KC  
Mrs L. Thomson  
Mr S. Bury

## Appearances

For the claimant: Ms M. Balazova, lay representative/friend of claimant

For the respondent: Mr R. Hignett, Counsel

## JUDGMENT

- (1) On the claimant confirming at a preliminary hearing on 17 November 2021 that the only claims he wished to pursue were for unfair dismissal and disability discrimination and that he did not wish to pursue claims for statutory redundancy pay and indirect race discrimination, the claimant's claims for redundancy pay and indirect race discrimination are dismissed on withdrawal.
- (2) The claimant having confirmed at the start of this hearing that he did not pursue a claim for a failure to make reasonable adjustments, that claim is dismissed on withdrawal.
- (3) The respondent's application that the claimant should not be permitted to pursue a claim for discrimination arising from disability pursuant to section 15 of the Equality Act 2010 is refused. Insofar as necessary to do so, permission was granted to the claimant to amend his claim to pursue a claim under section 15.
- (4) The claims that proceeded to a full hearing were for unfair dismissal; disability discrimination pursuant to sections 13 and 15 of the Equality Act 2010; and for notice pay (wrongful dismissal). The act of discrimination relied upon by the claimant in relation to both his section 13 and section 15 claims was dismissal.

- (5) The claimant's claim for personal injury set out in his particulars of claim could not be pursued as the Tribunal has no jurisdiction to consider such a claim.
- (6) The claimant was at the time relevant to his claims under sections 13 and 15 of the Equality Act 2010 a disabled person within the meaning of section 6 of the Act.
- (7) On the evidence available to the Tribunal, the claimant's parents were not disabled persons within the meaning of section 6 of the Equality Act 2010.
- (8) The claimant's claim for direct disability discrimination under section 13 of the Equality Act 2010 is dismissed, there being no causal connection between his dismissal and his disability or any disability of his parents.
- (9) The claimant's claim for discrimination arising from disability under section 15 of the Equality Act 2010 is dismissed, there being no causal connection between his dismissal and his disability-related absence.
- (10) The claimant's claim for unfair dismissal is dismissed, the reason for the claimant's dismissal being his conduct and dismissal being a sanction that the respondent could reasonably impose after following a reasonably fair procedure.
- (11) The claimant's claim for notice pay (wrongful dismissal) is dismissed, the claimant having acted in repudiatory breach of his contract of employment and the respondent having dismissed him summarily in response to that breach.

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**Employment Judge McNeill KC**

Dated: 27 July 2023

Sent to the parties on:

13 September 2023

For the Tribunal:

**Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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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