



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Ngatia

**Respondent:** Accord Healthcare Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimant's complaint of unfair dismissal is well founded.
2. The claimant's complaint that the respondent breached his contract of employment by dismissing him without notice is well founded.
3. Remedy will be determined at a hearing.

## Reasons

1. The claim form was presented on 5 July 2023. The claimant alleges he was summarily dismissed on 28 February 2023. His claim form includes complaints of unfair dismissal and wrongful dismissal ie a complaint that the respondent breached the claimant's contract of employment by dismissing him without notice.
2. The claim was sent to the respondent on 2 August 2023. The respondent has not entered a response in the time permitted.
3. The complaint of wrongful dismissal can be determined without a hearing given that the claimant's unchallenged case is that he was dismissed without notice.
4. The complaint of unfair dismissal can be determined without a hearing given that the burden is on the respondent to show the reason, or principal reason, for dismissal and that it was a potentially fair reason within section 98 of the Employment Rights Act 1996. The respondent has not filed a response putting forward a reason for dismissal and the claimant's unchallenged case is that the reason for dismissal, or the principal reason, was not as claimed by the respondent at the time of dismissal.

**Case Number: 2501666/2023**

Employment Judge Aspden

13 October 2023