



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Osemene  
**Respondent:** Mitie Limited  
**Heard at:** London South Employment Tribunal  
**On:** 11 September 2024  
**Before:** Employment Judge Dyal  
**Representation:**  
**Claimant:** Ms Matharu, counsel  
**Respondent:** Mr Harding, counsel

JUDGMENT having been sent to the parties and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, written reasons are provided as follows.

## WRITTEN REASONS

1. It is uncontroversial that notification of the decision to dismiss the Claimant was sent to him in a letter emailed on 28 September 2023. The Claimant's evidence was that he did not read that letter until 1 October 2023. He had been awaiting an outcome from the disciplinary hearing (that had taken place over a week previously) but it seemingly did not arrive. On 1 October 2023 he decided to check his junk mail and found the letter of dismissal. He learnt then for the first time of his dismissal. I accept his evidence (which was unchallenged).
2. I drew the parties attention to **GISDA CYF v. BARRATT [2010] IRLR 1073**. Mr Harding accepted that the Respondent's position hitherto that the EDT was 22 September 2023 (the date of decision not the date of the communication) was untenable. He accepted there was no basis to challenge the Claimant's account and that the effective date of termination (EDT) was 1 October 2023. These were sensible concessions, albeit made very late in the litigation.
3. Since the EDT was 1 October 2023 it is agreed, uncontroversial and obvious that the unfair dismissal was presented in time.

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Employment Judge Dyal  
Date: 19 September 2024

Sent to the parties on  
Date: 25 September 2024