



EMPLOYMENT TRIBUNALS

Claimant: Mr P Palmer

First Respondent: Gap Organics Limited

Second Respondent: Gap Group North East Limited

Heard at: Newcastle (in public; by video)

On: 14 November 2024

Before: Employment Judge Aspden

Appearances

For the claimant: in person

For the respondents: Mr Anderson, counsel

JUDGMENT

1. The following complaints are struck out because they have no reasonable prospect of success:
 - 1.1 The complaints against the first and second respondents that the claimant's dismissal was automatically unfair by virtue of section 104 of the Employment Rights Act 1996.
 - 1.2 The complaints against the first and second respondents in respect of outstanding/unpaid holiday pay insofar as that is a claim about sums payable by virtue of the Working Time Regulations 1998.
2. The claim form includes a claim that the first and/or second respondent made an unauthorised deduction from wages and/or breached the claimant's contract of employment by failing to pay a sum due under the terms of his contract of employment in respect of accrued, untaken holiday on termination of employment. That claim is not struck out.

Employment Judge Aspden

4 December 2024

Notes

Reasons for any disputed decision 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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

If a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>