



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr R Adamowicz

v

The Polish Bakery Limited

Heard at: Watford

On: 15, 16 & 17 July 2019

Before: Employment Judge Henry

Appearances

For the Claimant: Mr H Wiencek - Consultant

For the Respondent: Mr MacCabe - Counsel

JUDGMENT

1. The Judgment of the tribunal is that:
 - 1.1 The respondent concedes that the claimant was an employee.
 - 1.2 The claimant was not automatically unfairly dismissed pursuant to section 104 of the Employment Rights Act 1996, for having asserted a statutory right.
 - 1.3 The claimant was not constructively dismissed when he tendered his resignation on 26 January 2018, giving one weeks' notice.
 - 1.4 On the claimant terminating the employment relationship, the claimant was not then entitled to notice of termination from the respondent. The respondent has not, in breach of contract, failed to make the claimant a payment in lieu notice.
 - 1.5 The claimant's claim for an award pursuant to section 38 of the Employment Act 2002, is dismissed on withdrawal by the claimant.
2. The claimant's claims, save for being an employee of the respondent, are accordingly dismissed.

Employment Judge Henry

Date:24/7/2019

Sent to the parties on:

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For the Tribunal Office

Note

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.