



EMPLOYMENT TRIBUNALS

Claimant Mr Daniel Agnew

Respondent SJAJ Plumridge Limited

Heard at: Exeter (in person)

On: 2 November 2021

Before:
Employment Judge Goraj

Representation

The Claimant: in person, assisted by his mother and father

The Respondent: did not attend

JUDGMENT AT A PRELIMINARY HEARING

The JUDGMENT of the tribunal is that: -

1. The Tribunal has jurisdiction to entertain the claimant's unfair dismissal claim as the effective date of the termination of the claimant's employment for the purposes of the Employment Rights Act 1996 ("the Act") was 19 July 2020 and the claimant's claim form was therefore presented to the Tribunal within the relevant statutory time limit pursuant to section 111 of the Act.
2. If for any reason the effective date of termination of the claimant's employment was however 23 March 2020 as contended by the respondent, the Tribunal nevertheless still has jurisdiction to entertain the claimant's complaint of unfair dismissal as it was not, in any event, reasonably practicable for the claimant's claim form to have been presented within such relevant time limit and the claim form was presented within such further period as was reasonable.

3. The Tribunal also has jurisdiction to entertain the claimant's complaint of breach of contract (for notice) as the effective date of termination for the purposes of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 was 19 July 2020 and the claimant's claim was therefore presented to the Tribunal within the statutory time limit contained in Regulation 7 of that order.
4. If for any reason, the claimant's employment however terminated on 23 March 2020 as contended by the respondent, the Tribunal nevertheless still has jurisdiction to entertain the claimant's complaint of breach of contract as it was not reasonably practicable for the complaint to have been presented within such relevant time limit and the claim was presented within such further period as was reasonable.
5. The Tribunal further has jurisdiction to entertain the claimant's complaint of unlawful disability discrimination as the alleged act of unlawful disability discrimination relates to the claimant's dismissal on 19 July 2020 and the claimant's claim form was therefore presented to the Tribunal within the statutory time limit pursuant to section 123 of the Equality Act 2010.
6. If for any reason, the claimant's employment however terminated on 23 March 2020 as contended by the respondent, the Tribunal nevertheless still has jurisdiction to entertain the claimant's complaint of unlawful disability discrimination as it would be just and equitable to extend such time limit.
7. The claimant's employment transferred to the respondent on or around 1 January 2020 pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 and the claimant therefore has sufficient qualifying service to bring a complaint of unfair dismissal (21 March 2007 to 19 July 2020).
8. The matter is listed for a final hearing for 2 days on **28 February and 1 March 2022**.

Employment Judge Goraj
Date: 8 November 2021

Judgment sent to parties: 15 November 2021

FOR THE OFFICE OF THE TRIBUNALS

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.

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The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness