



EMPLOYMENT TRIBUNALS

Claimant: Mr A J Foster
Respondents: Arkaya Energy Ltd
Mr K Sharma
Heard By: CVP **On:** 12, 13, 14 and 15 July 2021
Before: Employment Judge Craft
Representation
Claimant: Himself
Respondent: Mr R Wayman, Counsel

JUDGMENT

1. The Claimant's claims against the Second Respondent are dismissed.
2. The Claimant was employed by the First Respondent from 1 September 2018. He did not have sufficient continuity of employment to pursue a claim of ordinary unfair dismissal against the First Respondent. His claim for ordinary unfair dismissal is dismissed.
3. The Claimant's claims of automatic unfair dismissal contrary to s.103A Employment Rights Act 1996 and being subject to detriment under s.47B Employment Rights Act 1996 against the First Respondent are dismissed.
4. The Claimant's claims for unlawful deduction of wages for unpaid commissions against the First Respondent are dismissed.
5. The Claimant's claim for wrongful dismissal for unpaid notice against the First Respondent is dismissed.
6. The Respondent shall pay the Claimant the sum of £2,579.13 for accrued holiday pay due to him from the First Respondent at the effective date of termination of his employment.

Employment Judge Craft
Date: 20 July 2021

Sent to the Parties: 26 July 2021

FOR THE TRIBUNAL OFFICE

Note: Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.