



EMPLOYMENT TRIBUNALS (ENGLAND & WALES)

Mr Duncan Comrie
Claimant

GFT Financial Ltd
Respondent

V

HELD AT: London Central ON: 28/9/2018
Employment Judge: Mr J S Burns

Appearances
For Claimant: In person
For Respondent: Mr T Kibling (Counsel)

Judgment

(following a public preliminary hearing in which I asked the Claimant some questions and then received submissions from both parties, and was referred to a Respondent's written skeleton argument)

1. The claims for "*£30000 redundancy*" and "*£500..towards legal fees for redundancy...*" are struck out as having no reasonable prospect of success as the Claimant told me that that these payments were conditional on him finalising a severance agreement with the Respondent, and that it was never finalised.
2. The claim for "*£4333.33 notice period*" is struck out as having no reasonable prospect of success as the claim was issued before the termination of the Claimants employment and no notice was then payable.
3. The Claimants application to amend the claim to add a post-dismissal notice- pay claim is refused because, applying Selkent principles, it is now out of time, and it in any event would have no reasonable prospect of success on the merits because the Claimant told me that he failed to attend work without leave of absence from 1st March 2018 onwards. In these circumstances the Respondent would have been entitled to dismiss him summarily without notice as it did on 6 June 2018
4. The claim for "*£330.16 salary payment shortfall*" is dismissed on withdrawal by the Claimant, he agreeing that it has now been paid;

5. The claim for *“USD5550 unpaid Q4 2017 bonus”* shall proceed to a final hearing on an unconditional basis. (issues : whether due and if so whether claim brought in time)
6. The Claimant’s claim for *“unpaid UK 2016/2017 accountancy fees”* succeeds in the amount of £1200 and judgment is entered by consent for that sum, which the Respondent is to pay within 14 days. Any claim in excess of £1200 under this head is struck out as having no reasonable prospect of success as not supported by the letter dated 5/10/2017
7. The claim for *“£13000 unpaid salary and wages (Mar to May 2018)”* is struck out as having no reasonable prospect of success as the Claimant told me that he failed to attend work without leave of absence from 1st March 2018 onwards. Hence he was not entitled to be paid salary.
8. The claim for annual leave is permitted to proceed to a final hearing in a sum not exceeding £860 (equating to 4 public holidays in 2018 which the Claimant says he should have been paid), but is otherwise dismissed on withdrawal
9. The claim for *“remaining tax items of the GFTs agreement re my time working in New York City 2016/2017 as per letter dated 5/10/2017”* is struck out as having no reasonable prospect of success as the Claimant told me that the sums due under this head are still in the course of computation and are not yet quantified. Until quantified they could not be payable by the Respondent in any event. Hence they are not a sum deducted from wages nor a contractual claim arising on termination. The Tribunal does not have jurisdiction over this claim and any such claim would have to be made in the County Court if and when it is quantified and if the Respondent is liable for it.

28/9/2018

Employment Judge J S Burns London
Central

For Secretary of the Tribunals

Date sent to the Parties
24 October 2018