

1403417/2018

1401244/2019



## EMPLOYMENT TRIBUNALS

**Claimant**  
Mr M Addis

v

**Respondent**  
Asda Stores Ltd

### PRELIMINARY HEARING

**Heard at:** Bristol

**On:** 6, 7, 8, 9, 10 and 13 January 2020

**Before:** Employment Judge Midgley  
Mrs L Simmonds  
Mr C Williams

#### Appearances

**For the Claimant:** Mr M Addis in person

**For the Respondent:** Mr B Frew, Counsel

## JUDGMENT

1. The claim of unfair dismissal is well founded and succeeds.
2. The claimant would have been fairly dismissed on grounds of capability on 31 July 2019 had the respondent adopted a fair process.
3. The claim that the claimant's dismissal was an act of discrimination arising from his disability is well founded and succeeds. His dismissal was unfavourable treatment, and was caused by his sickness absence and inability to work with his managers, both of which arose from his disability. The decision was not justified because the method adopted to secure the legitimate aim was not proportionate and was itself tainted by discrimination.
4. The claims of direct discrimination, indirect discrimination and victimisation are not well founded and are dismissed.

#### Remedy

5. The hearing of the claimant's claims for compensation are adjourned to 6 March 2020 at 10am at the Bristol Employment Tribunal. Directions in relation to that hearing are set in a separate Order of today's date.

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**Employment Judge Midgley**

Dated: **13 January 2020**

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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.