

JERSEY / JUDGMENT

Mr James O'Brien v States Employment Board

Source: jerseylaw.je · Research copy typeset by Esheria. Not court-issued or certified.

In the Jersey Employment Tribunal IN THE MATTER: BETWEEN Mr James O'Brien APPLICANT AND States Employment Board RESPONDENT HEARING Before: Mr D Le Quesne, Chairman Dated: 10th December 2010 Representation: Applicant: Mr James O'Brien, Represented himself Respondent: States Employment Board, Represented by Mrs Roberts, States of Jersey Law Officers' Department 1 This is an application by the respondent to strike out the applicant's claim for unfair dismissal. The applicant is based upon the contention that the contract of employment was frustrated. 2 The applicant was arrested and held in prison pending trial on a criminal charge. On 20th April 2010 he was sentenced on the basis of his guilty plea to twelve months imprisonment. On 15th February 2010, whilst the applicant was in custody on remand the respondent wrote to him "I must therefore inform you that due to your continuing absence from the Health and Social Services Department, and consequential inability to perform to the terms of your contract, you are therefore deemed to have frustrated your contract of employment which is therefore considered terminated with immediate effect." 3 I am grateful to Mrs Roberts for the authorities and the written submissions which she provided to me. I am satisfied that imprisonment of an employee may frustrate a contract of employment. 4 During the hearing I told Mrs Roberts that her main task was to persuade me that the date when the contract was frustrated was 15th February, rather than the date of imprisonment, 20th April. Mrs Roberts took instructions and helpfully conceded that the date of frustration of the contract should be 20th April. 5 My decision therefore is that the contract of employment was frustrated on 20th April 2010, and consequentially Mr O'Brien is entitled to his normal remuneration up to that date. I order the respondent to pay to the applicant £10,594.39 for salary from 13th December 2009 to 20th April 2010, and £1,496.97 for holiday and bank holiday pay. Total £12,081.36. Since issuing this judgment in draft I have been informed that these payments have been made, so no further payment is due and this case now has concluded. Signed: Dated: 14th January 2011 Mr D Le Quesne Chairman

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.jerseylaw.je/judgments/tribunal/Pages/140111%20-%20Tribunal%20Decision.aspx>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/mr-james-o-brien-v-states-employment-board-2010>

Prepared on 26 October 2026 · Esheria