Employer Appeal Submissions on Hearing Admissions and Absent CCTV

Educational sample 445 | Eldoret

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT ELDORET

EMPLOYMENT AND LABOUR RELATIONS APPEAL NO [reference]

[EMPLOYEE APPELLANT] v [EMPLOYER RESPONDENT]

WRITTEN SUBMISSIONS

1. The respondent seeks dismissal of the appeal on the admitted employment record. The substantive reason and disciplinary process are examined separately. The relevant written explanations and operating instructions at [pages] support the decision independently of CCTV that was not produced.

2. The claimant own response addressed her position at the pump and the nozzle conduct. The Court must assess that explanation with the other employee accounts, rather than assume absent video eliminates every factual foundation for the alleged misconduct.

3. On procedure, the actual invitation, hearing minutes and trial admissions concerning attendance and a colleague are identified at [pages]. Section 41 requires an opportunity to understand and answer the allegations. The respondent relies on the opportunity shown, not a general proposition that substantive justification cures noncompliance.

4. Conflicting dates and years in the reproduction are checked against the authentic record. A source transcription discrepancy is not treated as proof that a hearing did or did not occur. The specific challenge is answered on the actual evidence.

5. The requested payments require distinct legal foundations. Remaining fixed-term salary is not automatic, severance concerns redundancy, leave requires proof and unfair-dismissal compensation depends on the established statutory findings. Genuine accrued sums and payments are considered separately.

6. The respondent requests dismissal of unsupported grounds and the appropriate costs order, while issuing the certificate of service if still due. The source Court upheld dismissal, refused the monetary heads and left each party with own appeal costs. No broader approval of all disciplinary practices is claimed.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Identify pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding. Verify the ELRC Procedure Rules 2024 and 2025 amendments, or the applicable designated subordinate-court procedure, and current directions. Assess section 90 for each employment claim.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A station manager on a three-year contract challenged summary dismissal after alleged concealment of fuel-pump readings. She disputed the disciplinary hearing. The employer relied on written explanations, hearing minutes and trial admissions. CCTV was not produced. The reproduction contains conflicting hearing dates and years, requiring original-file checks.

Eldoret ELRC upheld the designated magistrate judgment and dismissed the appeal. It relied on the explanations and hearing record despite absent CCTV. Remaining-term salary, compensation, severance, unsupported leave and notice claims failed. A certificate of service remained due if not already issued. Each party bore own appeal costs.

Assess reason and section 41 procedure separately under sections 43, 45 and 47(5). Absence of CCTV does not erase other evidence. Fixed-term balance is not automatically recoverable and severance is distinct from summary dismissal. Trial samples use Eldoret designated magistrate jurisdiction; appeal samples use ELRC. Check section 90 and authentic dates; the historic facts do not authorise a new stale claim.

[2026] KEELRC 470 (KLR) - 19 February 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/kigen-v-stabex-international-limited-2026-keelrc-470-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/kigen-v-stabex-international-limited-2026-keelrc-470-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.