EMPLOYMENT TRIBUNALS

Claimant: **Mr Ben Garget**
Respondent: **VOIP Communications International Limited**

<u>JUDGMENT</u>
<u>Employment Tribunals Rules of Procedure 2013 – Rule 21</u>

1. The following claims are well-founded:
1.1 The claim for unpaid wages.
1.2 The claim for unpaid holiday pay.
1.3 The claim for wrongful dismissal – notice pay.

2. The remedy to which the claimant is entitled will be determined at the hearing already listed to take place on 18 October 2018 at Teesside Justice Centre.

3. Proceedings against Kerbedge Restaurants Limited are dismissed.

<u>REASONS</u>

1. The claimant filed a claim with the Tribunal on 22 August 2018 which was served on the respondent at its registered office on 24 August 2018.

2. The claim was instituted against the respondent and against Kerbedge Restaurants Limited. On 20 July 2018 the respondent changed its name from Kerbedge Restaurants Limited to VOIP Communications International Limited. In the circumstances proceedings against Kerbedge Restaurants Limited are dismissed.

3. The respondent has failed to file a response to the claim.

4. The amounts due to the claimant need to be clarified at a remedy hearing. The Tribunal will consider exercising its powers under section 38 of the Employment Act 2002. The claimant must be prepared to give evidence as to his contractual entitlement to notice pay and any sums received by him from state benefits or alternative employment in the relevant notice period.

5. The respondent will only be permitted to take part in the Remedy Hearing to the extent permitted by the Employment Judge.

Employment Judge A M Buchanan
Date: 3 October 2018

JUDGMENT SENT TO THE PARTIES ON

4 October 2018
AND ENTERED IN THE REGISTER

G Palmer

FOR THE TRIBUNAL OFFICE

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