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EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: S/4104207/2018

Held in Glasgow on 6 July 2018

Employment Judge: Mr R Gall

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Mr Alexander Cleland

**Claimant
In Person**

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My Kenneth Andrew Wilson

**Respondent
Not Present and
Not Represented**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Tribunal is that in terms of Rule 34 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, on the application of the claimant, Juniper Hospitality Ltd, 27 Alexandra Street, Tillicoultry, Clackmannanshire, FK13 6HR is added as a respondent. This is as it appears that there are issues between that company and the claimant and in the interests of justice it is appropriate to have them added as a respondent by way of substitution for the current respondent, Kenneth Andrew Wilson. Kenneth Andrew Wilson is removed from the claim as having been apparently wrongly included, this in terms again of Rule 34.

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E.T. Z4 (WR)

REASONS

1. This is a claim presented in respect of wages said to be due to the claimant. He claims one week's wages amounting to £541.45, gross. That is in respect of work carried out by him.
- 5 2. The claim was initially brought against Kenneth Andrew Wilson. There are has been no form ET3 lodged by Mr Wilson disputing the claim. Due to a reference being made to Juniper Hospitality Ltd, the case was set down for a hearing to clarify matters.
- 10 3. At the Hearing, the claimant appeared. There was no appearance by or on behalf of the youth respondent, Mr Wilson.
- 15 4. I explored with the claimant whether he regarded his employer as being Mr Wilson as an individual or whether it was Juniper Hospitality Limited who had been mentioned in correspondence. I explained that it was appropriate that the correct employer be the respondent in the claim and potentially the party found liable to make payment. I also explained that the claimant could have the opportunity to consider matters and to do any further investigation if he required that. Mr Cleland said he did not require any more time to consider who the correct party was as the respondent, his employer at the time.
- 20 5. Mr Cleland gave evidence. He explained to me that he did not have any contract of employment or statement of employment particulars. He had been issued with one payslip during his time as an employee. He did not have that with them. He believed however that it had the company logo upon it and referred to Juniper Hospitality limited. He confirmed that he wished Juniper Hospitality Ltd added as a respondent. I explained to him that this would
25 require that the claim was then served upon Juniper Hospitality Ltd to provide that entity with the opportunity to defend the claim. He understood the necessity of doing that.

6. Mr Cleland also confirmed that the sum which he sought was in respect of work carried out by him. The weekly wage to which he is entitled amounts to £541.45.

5 7. The clerk to the Tribunals is requested to add as a respondent Juniper Hospitality Ltd at the address in Alexandra Street mentioned in the Judgment. Mr Cleland confirmed that he accepted that the claim was not against Mr Wilson as an individual on the basis that Mr Wilson had been a director of the company.

10 8. The claim will therefore be served upon Juniper Hospitality Ltd, with Mr Wilson being removed as a respondent. If the claim is defended by Juniper Hospitality Ltd a hearing will take place. If it is not defended by that entity then it may be that a Rule 21 judgment can be granted without the necessity for hearing given the evidence which I obtained as to the sum which Mr Cleland regard as being due to him. Mr Cleland confirmed to me that there
15 were no sums beyond that stated which he regarded as being due to him.

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25 Employment Judge: R Gall
Date of Judgment: 06 July 2018
Entered in register: 17 July 2018
and copied to parties

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