



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: S/4122288/18 Held at Aberdeen on 1 February 2019

Employment Judge: Mr N M Hosie (sitting alone)

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Mr Gavin Buchan

Claimant

Represented by:
Miss T McGorin –
Friend

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Aulton Garage (2000) Ltd

Respondent
Represented by:
Mrs F Laurence –
Director

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Tribunal is that the respondent will pay to the claimant the sum of Two Thousand, One Hundred and Fifty Pounds (£2,150) as a redundancy payment.

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REASONS

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1. The claimant, Gavin Buchan claimed that he was due a redundancy payment. The respondent company submitted a Response Form but did not deny the claim.
2. At the Hearing, the respondent's Director confirmed that it was not disputed that the claimant was entitled to a redundancy payment but the Company was insolvent but had no funds to make the payment. She confirmed that the

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company had ceased trading on 31 July 2018 and advised that she had applied the previous day to have the Company “struck off”.

Redundancy Payment

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3. The claimant was employed by the respondent Company as a Mechanic for seven complete years from 4 October 2010 until 31 July 2018.

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4. He earned on average £430 per week. Accordingly, he is entitled to a redundancy payment of **£2,150** (5 x £430).

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5. Finally, as the respondent Company has no assets and is to be struck off, it will be necessary for the claimant to apply to the Redundancy Payments Service. In that regard I wish to record that I understand that there will be no formal proceedings by way of liquidation or receivership, it is clear to me the Company is insolvent. This was confirmed by its Director Mrs Laurence and is clear from the Company Accounts to 30 June 2018 which were produced.

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Employment Judge: Nicol Hosie
Date of Judgment: 04 February 2019
Entered in Register: 05 February 2019
And Copied to Parties