



EMPLOYMENT TRIBUNALS

Claimant: Mr D. Barnes
Mr M. D. Boutcher
Mrs L.J Boutcher
Mr. A. Doherty
Mr. G. M. McDonald

Respondent: Thorn 3PL Services Ltd.

HELD AT: Liverpool **ON:** 1 August 2019

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: All litigants in person (bar Mrs Boutcher, represented by M.D. Boutcher)

Respondent: Mr. T. Edwards (Managing Director)

JUDGMENT

The judgment of the Tribunal is:

1. Mr Barnes' redundancy payment claim was presented to the tribunal in time;
2. All other claims of each of the claimants was presented to the tribunal out of time but in circumstances when it was not reasonably practicable for them to have presented their claims in time; they each presented their claims within a reasonable time thereafter;
3. There was no transfer of undertaking as defined by Regulation 3 Transfer of Undertakings (Protection of Employment) Regulations 2006 from MAM Logistics Ltd ("MAM") to the respondent in March 2018 or subsequently, (MAM having ceased trading on 16 March 2018);

Case No.:2415259/2018
2415440/2018
2415441/2018
2415442/2018
2416160/2018
2416546/2018

4. In the alternative to paragraph 3 above, in so far as the respondent may have succeeded to MAM's business on 2nd April 2018, none of the claimants were employed by MAM immediately before that date; there is no claim or evidence to suggest that any of the claimants were dismissed where the reason, or if more than one then the principal reason, for their dismissal was a transfer in such circumstances; their employment contracts and rights did not transfer to the respondent;
5. In consequence of the above, the claimant's claims against the respondent in respect of notice pay, wages, holiday and redundancy pay fail and are dismissed.

Employment Judge T.V. Ryan

Date: 01.08.19

JUDGMENT SENT TO THE PARTIES ON
20 August 2019

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.