



EMPLOYMENT TRIBUNALS

Claimant: Mr John Stanley

Respondent: Darren Jones and Matthew Jones t/a Pillow Talk

Heard at: Manchester

On: 19 February 2020

Before: Employment Judge Sherratt

Representation

Claimant: Not present or represented

Respondent: Written representations

UPON APPLICATION made by letter dated 27 August 2019 under rule 71 Employment Tribunals Rules of Procedure 2013 to reconsider the Judgment sent to the parties on 4 March 2019:

JUDGMENT

The judgment is revoked.

REASONS

1. In the absence of the claimant but with the benefit of the written representations sent on behalf of the respondents and information already provided by the claimant I have reconsidered the original decision made under Rule 21.
2. Although the claimant brought his claim against Darren Jones and Matthew Jones t/a Pillow Talk it is apparent from copy wage slips and bank statements provided on behalf of the respondents that the claimant was employed by Pillow Talk Bed Centre Limited rather than by the respondents.
3. The claimant has produced a letter from HM Revenue and Customs which refers to Pillow Talk Bed Centre Limited and not the respondents as his employer.
4. I therefore find that the claim was brought against the wrong respondents and so it is right that the judgment against them should be revoked.

5. A search at Companies House reveals that Pillow Talk Bed Centre Limited is in Creditors Voluntary Liquidation with the winding up having commenced on 2 October 2018. The joint liquidators' first progress report dated 20 November 2019 shows that the company's liabilities exceed its assets. In these circumstances it does not seem to me that it will serve any useful purpose to amend the claim to bring in the limited company as a respondent.

6. The claimant might contact the liquidator, Megan Singleton, of Leonard Curtis, 20 Roundhouse Court, South Rings Business Park, Bamber Bridge, Preston, PR5 6DA (recovery@leonardcurtis.co.uk) to see if she can assist him with making a claim to the Redundancy Payments Office in respect of any sums that may be due to him arising out of the ending of his employment.

Employment Judge Sherratt

Date: 19 February 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON

25 February 2020

FOR THE TRIBUNAL OFFICE