



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Innes

**Respondent:** Wau Holdings Ltd

## JUDGMENT

The claim is struck out.

## REASONS

1. On 14 November 2015 the claimant submitted a claim to the Tribunal indicating at box 8.1 that she was claiming a redundancy payment and that she was owed arrears of pay. That claim was served on the respondent and no response, which was due by 23 December 2015, was received. In fact, the respondent was dissolved on 29 December 2015.
2. On 4 January 2016 the Tribunal wrote to the claimant advising her that claimants are not entitled to a redundancy payment unless they were employed for two years or more and that it appeared from her claim form that she had been employed for less than two years. As it did not appear she was entitled to bring that part of her claim, an Employment Judge was proposing to strike it out and that she had until 15 January 2016 to give reasons why that should not happen.
3. Also on 4 January 2016 the Tribunal wrote separately to the claimant informing her that the respondent company had been dissolved and that therefore her claim could only proceed if the company was restored to the register. The proceedings would therefore be stayed for six months and that she would then be asked whether she had applied to have the company restored and if no such application was made or if it had been refused, she may then be asked to give reasons why her claim should not be struck out because it was not being actively pursued.
4. The claimant wrote the Tribunal on 11 January 2016. Although in that email she continued to use the terminology of redundancy, it is clear from the contents that in fact she was claiming payment for her four week notice period. That is not a claim that requires two years' service and therefore, subject to the status of the respondent company, was a claim capable of being pursued. In a separate email on 11 January 2016 the claimant

expressed her dissatisfaction with the respondent having been dissolved and that she should have to incur the costs of applying to have it restored to the Register. She indicated that she would raise that matter with Companies House.

5. The Tribunal wrote to the claimant on 4 February 2016 simply confirming that the legal position remained as stated in its letter of 4 January 2016.
6. Unfortunately the matter was not then referred to a Judge as it should have been at the end of the six month stay. It only came to the attention of a Judge after ACAS contacted the Tribunal on 16 December 2019 asking for confirmation as to the status of the case.
7. Having considered the file, I conclude that it is appropriate to strike out the claim as it has not been actively pursued by the claimant. Although the Tribunal did not contact the claimant as it should have done in approximately July 2016, the fact that the claimant has not contacted the Tribunal again since then indicates that she is not pursuing her claim.

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Employment Judge Andrews  
5 March 2020