



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE K ANDREWS (sitting alone)

BETWEEN:

Mrs L Sabo

Claimant

and

**Ms E Bushell & Mr R Sabo
trading as Sabo Newsagents**

Respondent

ON: 27 January 2020

Appearances:

For the Claimant: In person

**For the Respondent
(Ms Bushell):** Mr T Perry, Counsel

**For the Respondent
(Mr Sabo):** In person

REASONS FOR THE JUDGMENT DATED 27 JANUARY 2020 **sent at the request of the claimant**

1. In this matter the claimant brought claims in respect of unpaid statutory redundancy and holiday pay. The respondent was originally named as Ms E Bushell, the claimant's aunt. Her father, Mr R Sabo, was also in attendance supporting the claimant.
2. The general factual background is that Sabo newsagents was a family business going back to the 1920s. More recently, it had been operated by the claimant's grandmother until her death in 2010. The shop continued to operate until it closed in March 2019 but the circumstances of how it was run, who was responsible for it and who was employed in it, was the subject of disagreement between the various members of the family. It is a matter of regret that the family has become so divided over this issue.
3. I had a substantial bundle of documents before me and witness statements but through discussion within the hearing, the parties were able to find areas

of agreement without me having to formally hear evidence.

4. In particular, they agreed that the claimant had in fact been employed by a partnership which ended on 29 March 2019 by operation of law. They also agreed that the partnership comprised Ms Bushell and Mr Sabo. Accordingly, I amended the name of the respondent as appears in the heading above.
5. The parties also agreed that the claimant was dismissed by reason of redundancy on 29 March 2019 and accordingly was entitled to statutory redundancy pay. There was an issue however as to when her relevant employment had commenced. The claimant believed it was in 2006, from when she had started working for her grandmother, giving her relevant service of 12 years.
6. Mr Perry for Ms Bushell explained, however, that because her grandmother had died without a will and no personal representative was appointed within 8 weeks of her death, the claimant's employment had terminated by operation of sections 136(5)(b) and 174(2)(b) of the Employment Rights Act 1996. I accept and adopt that analysis.
7. Thereafter the business was carried on by Mr Sabo as a sole trader from 11 March 2010 to early 2011 during which time he employed the claimant. It is more likely than not that there was then a transfer pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the respondent partnership giving the claimant continuous service from 2010. After some discussion and consideration, both Ms Bushell and Mr Sabo agreed that the claimant's relevant service started on 11 March 2010.
8. Accordingly, when the claimant was dismissed by reason of redundancy she became entitled to a statutory redundancy payment of £1,485.
9. After further discussion, the claimant withdrew her claim for holiday pay which accordingly was dismissed.

Employment Judge K Andrews
Date: 17 March 2020