



EMPLOYMENT TRIBUNALS

Claimant: Mr H Patel

Respondent: Arrow Plastics Limited

Heard at: London South Croydon by CVP.

On: 12 October 2020

Before: Employment Judge Truscott QC (sitting alone)

Appearances

For the claimant: No appearance or representation

For the respondent: No appearance or representation

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was video. A face to face hearing was not held because it was not practicable to do so.

JUDGMENT

The claims are dismissed because the correct respondent is not identified.

REASONS

Preliminary

1. Neither party attended the hearing, Certain documents and items of correspondence had been submitted to the Tribunal since the claim was commenced. On the basis of those documents, this judgment is made.

The issue

2. The issue for this hearing was identified in a case management order dated 24 March 2020 as follows:

Who is the correct respondent to the claim?

Findings

3. The claimant was employed by the respondent until 15 January 2018 when his employment was transferred to Javelin Holdings Limited by way of a TUPE transfer. He was made redundant on 31 March 2018.

4. The claimant received an ACAS certificate naming Arrow Plastics Limited as the respondent. He made a claim to the Tribunal against Arrow Plastics Limited which was received by the Tribunal on 2 August 2018. Arrow Plastics Limited was dissolved on 25 February 2020.

5. Section 18A (1) of the Employment Tribunals Act 1996 provides that “Before a person (“the prospective claimant”) presents an application to institute relevant proceedings relating to any matter, the prospective claimant must provide to ACAS prescribed information, in the prescribed manner, about that matter.” One of the pieces of information that is required is the name of the respondent. The claimant ought to have identified Javelin Holdings Limited as the respondent for his claim and obtained an ACAS Certificate against that company and commenced Tribunal proceedings against that company. That company was placed into administration and thereafter joint liquidators were appointed under a creditors’ voluntary liquidation.

6. As the claim is not against the correct respondent and supported by an ACAS Certificate naming that respondent, the present claim is dismissed.

Employment Judge Truscott QC
12 October 2020