



# EMPLOYMENT TRIBUNALS

**Claimant:** Terry Boateng

**Respondent:** FutureFuel Technology Limited

**Heard at:** London South Tribunals via CVP

**On:** 30<sup>th</sup> November 2020

**Before:** Employment Judge Beckett (sitting alone)

**Representation**

Claimant: in person

Respondent: in person

## JUDGMENT

1. It is the judgment of the Tribunal that the proceedings are stayed.

## REASONS

2. This case was listed today for final hearing, relating to claims for redundancy payments, unpaid wages and compensation. The ET1 was received on 19<sup>th</sup> December 2019. The response (ET3) was filed on 7<sup>th</sup> February 2020.
3. At the hearing, the claimant confirmed that he now understood that as he had not worked for the respondent for the requisite 2 year period, he could not pursue a redundancy pay claim.
4. The respondent accepted at the hearing that the claimant was owed 2 months' wages.
5. Upon checking with Companies House, the respondent company FutureFuel Technology Limited was in compulsory liquidation. A winding up order was made by District Judge Harrison at Liverpool County Court on 18<sup>th</sup> February 2020.

6. As the respondent company is in compulsory liquidation, the Insolvency Act 1986 provides that legal proceedings cannot be instituted or continued against the company without permission of the court.
7. The proceedings are therefore stayed.
8. Should the claimant decide to apply to the court for permission to continue legal proceedings, and if permission is granted, the claimant must send a copy of the court's order to the office of the Employment Tribunal at London South immediately.
9. An Employment Judge will consider the claim in 6 months. If the claimant has applied to the court, the Employment Judge will consider the application and result. If the application has not been made, or if it has been refused, the Judge will consider striking out the claim for not being actively pursued. The claimant can give reasons as to why the claim should not be struck out.
10. If the claimant decides to abandon the claim, the Tribunal must be informed in writing that it is being withdrawn.

Employment Judge **Beckett**

Date 30<sup>th</sup> November 2020

Notes

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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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