



EMPLOYMENT TRIBUNALS

Claimant: Mrs I Mokrzynska

Respondent: Short Stay (NW) Limited

Heard at: Liverpool by CVP

On: 15 December 2020

Before: Employment Judge Shotter

Appearances

For the claimant: In person

For the respondent: Not in attendance

JUDGEMENT

The judgement of the Tribunal is that:

1. The claimant's claim for unpaid wages under the Furlough Scheme from April to August 2020 is adjourned. All issues in the case will be determined at a final hearing before an Employment Judge sitting alone at the Employment Tribunals **3rd Floor, Civil & Family Court Centre, 35 Vernon Street, Liverpool, L22BX on 26 February 2021** starting at 10 am or as soon as possible afterwards.
2. The correct name of the respondent is Short Stay (NW) Limited.

This has been a remote hearing by video which has been consented to by the parties. The form of remote hearing was Code V: Kinley CVP video whether partly (someone physically in a hearing centre) or fully (all remote). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.

REASONS

1. This is a final hearing of the claimant's claim for payments allegedly due to her under the Furlough Scheme between the months of April and August 2020. The case is not ready for trial.

2. The claimant indicated that she had sent to the Tribunal a number of documents including an email written in Polish from the respondent confirming she will be paid under the Furlough Scheme and not to get another job. The claimant has translated the email, which cannot be found on the Employment Tribunal file. The claimant denies having received the letter from the Tribunal dated 8 October 2020 and she has not sent to the Tribunal or respondent details of the amount she is claiming together with supporting documents. To assist the parties, prepare this case for the trial I have made a number of case management orders which can be found in a separate case management preliminary hearing document.
3. The respondent did not attend this hearing, and it had not attended the 16 November 2020 CVP hearing either. Notice of today's hearing was sent to the parties on the 10 December 2020, and on investigation the Tribunal was informed by the respondent that the recipient to the email was on holiday and the Tribunal's email had not been picked up.
4. There is clearly an issue to be resolved and both parties require an opportunity to put forward their version of events. The claimant maintains her employment continued as pleaded in the claim form received by the Tribunal on 7 July 2020 following Early ACAS Conciliation that took place between 18 May to the 17 June 2020. The claimant's case is that she was put on furlough and has agreed to provide a breakdown gross and net of the claim including relevant dates. The respondent's case is that the claimant was on a zero hours contract and her employment was ended on 31 March 2020. If this is found to be that case it does not appear that statutory notice was paid to the claimant.
5. I took the view it was in the interests of justice to adjourn the case in order that the parties have an opportunity to prepare and put forward their respective positions at a liability hearing. The Tribunal will arrange a Polish interpreter to attend the final hearing.
6. Finally, a company search was carried out which reveals the respondent's name was changed to Short Stay (NW) Limited previously Caro Short Stay Limited on 3 December 2020 and the correct name of the respondent reflecting that change is Short Stay (NW) Limited.

Employment Judge Shotter

15 December 2020

Judgement and reasons sent to
the parties on: 29 January 2021

For the Tribunal