



# EMPLOYMENT TRIBUNALS

**Claimant: Mr Ivaskevicius**

**Respondent: Swinton Aviation**

**Heard at:** by telephone **On: 8 February 2022**

**Before:** Employment Judge Tuck QC

## **Appearances**

For the claimant: Did not appear.

For the respondent: No response entered. Did not appear.

## **JUDGMENT**

**The Claim is dismissed.**

## **REASONS**

1. Having entered into ACAS Early Conciliation between 28 February 2021 and 11 March 2021, the Claimant presented an ET1 on 11 March 2021 claiming unlawful deductions from wages, notice pay and holiday pay.
2. No response was entered; judgment was not given under Rule 21 as the claim was not properly quantified. The claimant was asked to provide details by a letter dated 16 May 2021. He did so the same day, but the information was such that a Hearing was needed. On 1 August 2021 notice of today's Hearing was sent to the Claimant.
3. Attempts to contact the Claimant yesterday and today have failed.
4. The first matter the Judge wished to clarify was the identity of the Respondent. Having instructed a search of Company House be conducted, it is apparent that "Swinton Aviation Limited" which had the same registered address as that given by the Claimant in the ET1 was dissolved on 17 August 2021. This means that the claimant cannot proceed as there is no legal entity in existence against which it can be pursued. The claim could in these circumstances only proceed if there was an application to the Respondent company to have it restored to the Register of Companies.

5. In light of the apparent dissolution of the Respondent, and the failure to attend by the Claimant, this claim is dismissed.

Employment Judge Tuck QC

Date: 8 February 2022

JUDGMENT SENT TO THE PARTIES ON

27 February 2022

FOR THE TRIBUNAL OFFICE

#### Note

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