



EMPLOYMENT TRIBUNALS

Claimant

Mr AV Gerlin

v

Respondent

- (1) Lindab Limited
- (2) Mr Iain Robertson
- (3) Ms Gail Horton
- (4) Mr Rob Evans
- (5) Mr Dave Cashen
- (6) Mr Andrew Bradley
- (7) Mr Steve Figg

Heard at: Bury St Edmunds (by telephone)

On: 24 February 2022

Before: Employment Judge Laidler

Appearances

For the Claimant: In person

For the Respondent: Ms J Danvers, Counsel

JUDGMENT

1. On remission from the EAT, the Judgment of EJ Michell dated 16 August 2019 having been quashed:-

- (i) The claim form submitted by the claimant on 7 December 2018 is rejected under Rule 12(2) as there was a substantial defect under Rule 12(d) Employment Tribunal Rules 2013 in that the claimant ticked that an exemption to the requirement to conciliate applied when it did not.
- (ii) On the reconsideration of the above Judgment on application by the claimant, the claimant having rectified the defect by engaging in early conciliation on 22 January and 11 February 2019 respectively and therefore the defect having been rectified the reconsideration application is granted and the claim will proceed.

2. The relevant dates for early conciliation certificates are as follows:-

Lindab Limited R1 22 January 2019;

Mr Iain Robertson R2 11 February 2019;

Ms Gail Horton	R3	11 February 2019;
Mr Rob Evans	R4	11 February 2019;
Mr Dave Cashen	R5	11 February 2019;
Mr Andrew Bradley	R6	11 February 2019; and

The certificate for Mr Steve Figg, R7 was issued on 11 February 2019 but he was added as a named respondent following a successful application to amend by the claimant that was made on 11 February 2019.

3. Any issues regarding whether the claims were received in time will be dealt with at the final hearing.

Employment Judge Laidler

Date: 28 February 2022

Sent to the parties on: 11/3/2022

N Gotecha

For the Tribunal Office

Note

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.