



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**AND**

**Respondents**

Mr Steven Boyle

Mack Design and Print Ltd

**Heard at:** London Central Employment Tribunal (hybrid hearing)

**On:** 23 March 2022

**Before:** Employment Judge Adkin

## Representations

**For the Claimant:** in person

**For the Respondent:** Mr Anil Thapen, Director (by video)

## JUDGMENT

- (1) Pursuant to section 163(1) of the Employment Rights Act 1996, the Claimant was entitled to a redundancy payment of £12,521.70 following his dismissal by reason of redundancy on 30 September 2021 and presentation of a claim to the Employment Tribunal on 14 January 2022.
- (2) The Respondent shall pay the Claimant the sum of **£10,021.70** unpaid redundancy pay (representing the unpaid balance following a payment of £2,500).

## REASONS

1. The Respondent does not dispute that this sum is owing. The position of the Respondent is that they are unable to pay given that the business ceased

trading on 30 September 2021 having run out of funds in partly due to the impact of the Covid 19 pandemic.

2. The Respondent tells me that they have filed a notice with Companies House to strike the company off. This application has been suspended due to an objection from HMRC, but should be resolved in April.
3. The Claimant intends to make an application to the Secretary of State under section 166(1)(a) of the Employment Rights Act 1996 on the basis that he has taken all reasonable steps to recover the payment and the employer has paid part of it and failed to pay the balance, notwithstanding that there is no technical insolvency.

---

Employment Judge Adkin

Date 23.3.22

WRITTEN REASONS SENT TO THE PARTIES ON  
.23/03/2022.

FOR THE TRIBUNAL OFFICE

Notes

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant (s) and respondent(s) in a case.