



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Cheevers

**Respondent:** Covertxt Support Ltd

**Heard:** On the papers – in private

**On:** 20.07.22

**Before:** Employment Judge Codd

## Appearances

For the claimant: Mr C Cheevers (in person)

For the respondent:

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 71

1. The claimant's application for reconsideration of the decision dated 4<sup>th</sup> May 2022 is dismissed.

## REASONS

2. A remedy Judgment was given by me on 4<sup>th</sup> May 2022. At that point a Rule 21 determination had already been made upon the papers, due to the respondent's failure to engage.
3. The respondent company is one of a series of companies with common or linked ownership.

4. The claimant now avers that I should re-consider the identity of the respondent pursuant to Rule 71 of the Rules. The claimant made his application by email on the 10<sup>th</sup> of June 2022. I note that this was made out of time.
5. The principal reason for the application is that the respondent has, subsequent to my Judgment, entered voluntary liquidation. The claimant asserts that he has been unable to recover the sums awarded at this point in time.
6. The claimant specifically raised with me at the hearing on the 4<sup>th</sup> of May 2022, the identity of his employer. I noted that his ET1 included a claim against the respondent. I also amended the name of the respondent as there had been a small error in the name recorded. In doing so I specifically considered whether the claimant's argument that the correct respondent should be David Reynolds personally or Oven Support Ltd as contended.
7. Based upon the evidence before me, I considered the correct employer to worker relationship under S 230 ERA was established against the respondent and there was (save for the small amendment to the respondent's name) no reason to depart from the Rule 21 Judgment.
8. I note specifically that the application for reconsideration arises on 10<sup>th</sup> June 2022, following confirmation that the respondent had entered liquidation.
9. Save for the issues discussed above in relation to the voluntary liquidation, there is no new information provided in the claimant's application, that I was not aware of at the time of the remedy hearing, where I had specific regard to the S230 ERA relationship.
10. Taking all of those matters into account and noting that the application is made out of time, I dismiss the application for re-consideration. I also consider that there is no basis for me to consider any oral representations of the claimant, based upon the material provided. I consider a determination on the papers is in-keeping with the over-riding objective.

11. That is my Judgment.

Employment Judge **Codd**

19.07.2022