



## EMPLOYMENT TRIBUNALS

**Claimant** Ms M Colreavy  
**Represented by** In person  
**Respondent** Blocksure Ltd  
**Represented by** Mr P Temperley, Operations Manager  
**Employment Judge** Ms A Stewart (sitting alone)  
**Held at:** London Central by CVP                      **on:** 19 December 2022

## JUDGEMENT

- 1 The Respondent's application for an extension of time in order to present a Response to this claim, is granted, up to and including today's date.
- 2 The Claimant's claim for arrears of pay in the sum of £63,141.00 gross and unpaid expenses in the sum of £213.38 is well-founded.
- 3 Accordingly, it is ordered that the Respondent pay to the Claimant the sums set out in paragraph 2 of this Judgement.

## REASONS

### Extension of time

1.1 The Claimant presented her claims to the Tribunal on 28 October 2022. The deadline for entering a Response was 1 December 2022. The Claim documents and notification were sent by the Tribunal to the Respondent's address by post. The Respondent had moved address and the postal forwarding arrangement was suspended for a time due to non-payment of fees. The Tribunal was satisfied that the Respondent did not in fact receive any postal notification of the Claim, and had no knowledge of it, until receiving an email from the Tribunal on 6 December 2022, querying any Response and

flagging up today's hearing. It required a response before 12 December 2022.

1.2 Mr Temperley lodged a basic ET3, without substantive details of the Respondent's position, by late on 12 December 2022. He was told that the time issue would be dealt with at today's hearing.

1.3 On the material before it today, the Tribunal granted the Respondent a time extension up to and including today, so that its substantive position could be put forward at today's hearing. The Claimant did not object, in the light of the evidence of non-receipt offered by Mr Temperley.

**Claim for unpaid wages/expenses:**

2.1 The Claimant was employed by the Respondent from 11 October 2021 until 18 October 2022 in Direct Product Delivery. She contractually earned £101,474.32 gross during that time. She states that £63,141.00 of this sum remains unpaid, plus the sum of £213.38 in unrefunded expenses.

2.2 The Respondent is a small start-up IT company. Mr Temperley told the Tribunal today that the Respondent does not wish to defend the claim and admits that the above sums indeed do remain owing to the Claimant. However, the Respondent is unable at the present time to pay considerable sums owed to all of its staff and other creditors, because it has been awaiting receipt of a promised investment, for over a year. The monies, proceedings from the sale of an American company, are currently held up in an escrow account in the USA, pending the resolution of a legal case in the States. The monies have been regularly promised by the US lawyer and regularly expected, for at least a year, and this situation continues today.

2.2 Once the investment monies are received, the Respondent seeks a payment plan over time for the sums which it owes to staff/former staff, in the interests of the future viability/development/investability of the company. This may be a matter for private negotiation between the parties, since it is in no one's best interests if the company is forced into liquidation. However, given the uncertainty regarding the receipt/date of receipt of the investment monies, it would not be feasible to incorporate fixed stage payment dates into this judgement.

2.3 However, given that this claim is not defended, the Claimant is entitled to her Judgement. The parties today agreed a variation in the sum of the expenses claimed in the ET1 (£290.00) to £213.38.

Signed: Employment Judge A Stewart

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**Employment Judge**

Date 15 December 2022

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Judgment sent to the parties on

19/12/2022

FOR THE TRIBUNAL OFFICE

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