



EMPLOYMENT TRIBUNALS
London Central Region

Heard by CVP on 12/01/2023

Claimant: Mr S Matthews
Respondent Mr W Antoine

Before: Employment Judge Mr J S Burns

Representation

Claimant: In person
Respondent: In person

JUDGMENT

The claims are dismissed.

REASONS

1. The Claimant, prior to issuing his claim did not go through ACAS Early Conciliation and, (contrary to the indication in section 2.3 of the ET1 and Regulation 3(1)(a)(c) of The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014), cannot show that the Respondent contacted ACAS in relation to the dispute. According to the Claimant, he was told by Mr Edward Swindells, (who the Claimant alleges is the owner and controller of London City Auctions Ltd), that he (Mr Swindells) would contact ACAS but he (the Claimant) does not know whether or not he (Mr Swindells) ever did so and he (the C) was himself not contacted by ACAS. In any event Mr Swindells is not the Respondent on the ET1. Mr Antoine (the Respondent) has himself never contacted or been contacted by ACAS in relation to the dispute. The ET1 is therefore to be rejected under Rule 12(1)(d) in Schedule 1 of the ET (Constitution and Rules of Procedure) Regulations 2013.
2. According to the Claimant, his employer which owes him money was London City Auctions Ltd, which is a company of which the Respondent (Mr Antoine) is one of the four named directors. Mr Antoine was not the employer and as director is not liable for the debts of the company, and hence would not be liable to pay any money due by the company to the Claimant even if the proceedings against him has been properly constituted.
3. The Claimant did not have sufficient service with his employer (London City Auctions Ltd), to claim unfair dismissal in any event.

J S Burns Employment Judge
London Central
12/01/2023

For Secretary of the Tribunals
Date sent to parties: 12/01/2023
