



EMPLOYMENT TRIBUNALS

Claimant: Mr M Hammond

Respondents: (1) Kaye Johnson Gee LLP Administrators for Tomlaith Limited (in Liquidation)
(2) The Secretary of State for Business, Energy and Industrial Strategy

UPON APPLICATION made by email on 25 October 2022 to reconsider the judgment under rule 71 Employment Tribunals Rules of Procedure 2013 dated 17 October 2022 (and sent to the parties on 24 October 2022) and without a hearing,

JUDGMENT

1. The judgment is varied as follows:

- The Employment Tribunal does have jurisdiction to determine the claimant's claim for a redundancy payment under sections 164 and 166 of the Employment Rights Act 1996;
- The dismissal of the claim for a redundancy payment against both respondents is revoked;

2. The claims for a redundancy payment will be determined alongside the claimant's other claims at the hearing listed on 14 February 2023.

REASONS

1. At the preliminary hearing on 17 October 2022 the claimant had not evidenced that he had made a claim for a redundancy either to the first respondent or to the Tribunal within six months of the date of termination of the claimant's employment (which was 31 October 2021).

2. In an application made on 25 October 2022 the claimant applied for the decision made to be reconsidered. Evidence was provided that on 1 March 2022 RCUK (instructed on the claimant's behalf) had sent an email to the administrators for the first respondent setting out the specifics of the claimant's claim including a claim for a redundancy payment. The claimant stated that he had not been aware at the time of the preliminary hearing that RCUK had sent the relevant communication on his behalf, but that he had become aware following the hearing. That was a claim for a redundancy payment which satisfied the requirements of section 164(2) of

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the Employment Rights Act 1996. As section 164 had been satisfied, the claimant had also satisfied the requirements of section 166 of the Employment Rights Act in that the first respondent would have been liable to pay the redundancy payment claimed.

3. It is in the interests of justice for the Judgment dismissing the claimant's claim for a redundancy payment to be revoked, and for his redundancy pay claim to proceed to be determined at the final hearing alongside his other claims.

Employment Judge Phil Allen
6 February 2023

JUDGMENT SENT TO THE PARTIES ON
7 February 2023

FOR THE TRIBUNAL OFFICE