



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs J Bhakar

v

Gemstones Republic Ltd

PRELIMINARY HEARING

Heard at: Leeds by CVP

On: 6 January 2023

Before: Employment Judge O'Neill Appearance:

For the Claimant: In person

For the Respondent: Mr Kamal Director

JUDGMENT

The claim for compensation for breach of contract/unauthorised deduction of wages fails and is dismissed.

REASONS

Claims

1. The claim was for breach of contract/unauthorised deduction of wages in the sum of £2274.

Evidence

2. Notwithstanding the directions given by Judge Wade the case was in a poor state of preparation, the claimant having provided her documents only the day before and was the party in possession of the key documents.
3. The claimant produced no witness statement but adopted her ET1 form as her evidence in chief and answered questions from me, there was no cross examination.
4. Mr Kamal the director of the respondent produced and adopted a witness statement and answered questions from me and the claimant.

5. Mr Hussein the witness for the respondent produced and adopted a witness statement but there were no supplemental questions and no cross examination.
6. There was no bundle of documents but during the course of the hearing we successfully located the documents relevant to the key issues in the claim.

Findings

7. The claimant was employed by a company called Aerotek from 28th of February 2022 until her resignation on the 29th of March 2022. She received no pay notwithstanding a contract of employment and an e-mail agreeing that she was owed £2274 for the period.
8. The contract of employment names her employer as Aerotek Staffing UK Ltd. A pay slip named the company as Aerotek Worldwide Staffing Group. The claimant has been unable to find in the company house records a registration under either name.
9. As at the 7th of September 2022 a website existed for aerotekworldwide.com and the claimant attached a screen shot thereof to her letter to the tribunal dated the 7th of September 2022. That website says explicitly that "Aerotek worldwide is a Heronfell limited company registered in England and Wales under 12544710". This is the only link the claimant has produced between her employment and the respondent and its director Mr Kamal.
10. The claimant never met those who recruited or managed her at Aerotech. The claimant had never met or had any contact with Mr Kamal or the respondent.
11. The claimant does not allege that Mr Kamal was involved in the business of Aerotek but asserts that the respondent inherited the obligations of Heronfell Ltd through the acquisition of that company.
12. There are no company searches which show any connection between Aerotek and Heronfell or between Aerotek and Mr Kamal or his company Gemstones Republic limited (the Respondent).
13. The only link the claimant relies on is to be found in the statement on the website referred to above www.aerotekworldwide.com.
14. Mr Kamal gave unchallenged evidence which I accept, to the effect that the domain name was not owned by him, the respondent or by anyone known to him; the statement was untrue and he had no idea how it came to be made; and in his view it was a dishonest statement.
15. In May 2022 (after the claimant's employment had ended) Mr Kamal bought Heronfell Ltd as a dormant off the shelf company through a legal services company called BIRR Legal Services. On 10th May 2022 Mr Kamal became the sole director and the name of the company was changed from Heronfell Ltd to Gemstones Republic Ltd. At the same time the only existing director Mr Ceri Richards resigned. Mr. Richards runs BIRR Legal services.
16. The claimant believes that those involved in Aerotek were operating dishonestly in a number of respects.

Conclusions

17. I find that the only evidence linking the claimant's employment to the respondent is the website statement referred to above and, in the circumstances, I find that

it is likely to be a dishonest statement and as such provides no reliable evidence which would show a link between Aerotek, Heronfell and the respondent or Mr Kamal.

18. The claimant has failed to show that she was employed by the respondent or any company connected to it and in the circumstances her claim fails

6 January 2023

Employment Judge O'Neill

Sent to the parties on:

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For the Tribunal:

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