



EMPLOYMENT TRIBUNALS

Claimants:

Mr T Alfoadari (1)
Miss J Halsey (2)
Mrs A Wise (3)

v

Respondent:

Seychell Engineering and
Fabrication Limited (in voluntary
liquidation)

Heard at:

Reading

On: 23 March 2023

Before:

Employment Judge Anstis (sitting alone)

Appearances

For the Claimants: No attendance or representation

For the Respondent: No attendance or representation

JUDGMENT

The claimants' claims are dismissed.

REASONS

1. On 26 January 2022 the claimants submitted their claims to the tribunal, but only Mr Alfoadari gave any details of his claim. He said he had been employed from September to December 2021. The claim mentioned unfair dismissal, a claim for a redundancy payment, notice pay, holiday pay and failure to consult. The claim form said:

"We would like our December pay and unused holiday allowance paid, along with the redundancy pay for the 2 long serving members. We would also like 3 months' salary for each claimant, for the stress caused and time taken to chase payments, information, dealing with debt collectors, looking for new jobs, taking pay cuts ... We were made redundant without consultation on the 31st of December 2021."

2. No response was received from the respondent, which is in creditors voluntary liquidation.
3. On 31 January 2023, EJ Talbot-Ponsonby ordered a one day hearing in person to consider *"the issue of unfair dismissal, length of service and redundancy payment"*. He required the claimants to confirm their employment date and provide information in relation to, amongst other things, the amount of unpaid

wages, holiday pay and notice pay claimed. This was to be done by 7 February 2023.

4. This is the hearing that was ordered by EJ Talbot-Ponsonby. No-one has attended. Nothing has been heard from the claimants and they have not provided the information ordered by EJ Talbot-Ponsonby. On the morning of the hearing the tribunal telephoned Mr Alfoadari who said that neither he nor Miss Halsey would be attending the hearing. The tribunal has no telephone contact details for Mrs Wise.
5. To make an award for a redundancy payment or unfair dismissal the tribunal would have to be satisfied (at least) that the relevant claimant had more than two years' service. Mr Alfoadari is the only claimant who has given dates of service and he does not have two years' service. On that basis no award for unfair dismissal or of a redundancy payment can be made to any claimant.
6. If the claim for "failure to consult" was intended as a claim for a protective award, there is no indication that 20 or more people have been made redundant so that claim cannot succeed.
7. As for claims in respect of unpaid wages (and any losses flowing from unpaid wages), notice pay and holiday pay, the claimants were required to provide information in respect of those claims but have not done so. In those circumstances there is no basis on which I could make an award and the claims must be dismissed.

Employment Judge Anstis

Date: 23 March 2023

Judgment and Reasons

Sent to the parties on: 13/4/2023

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For the Tribunal Office

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