



EMPLOYMENT TRIBUNALS

Claimant: Mr Jason Pickard

Respondent: Leigh Maintenance Service

Heard at: Manchester (by CVP)

On: 20th June 2023

Before: Employment Judge Cline (sitting alone)

Representation

Claimant: Did not attend and was not represented

Respondent: Did not attend and was not represented

JUDGMENT

- 1) Pursuant to Rule 47 of the Employment Tribunal Rules of Procedure, the Claimant's claim is dismissed in his absence.

REASONS

- 1) The Claimant's claim for unpaid wages was listed for final hearing by video at 2:15pm on 20th June 2023. A notice of claim and notice of hearing dated 12th April 2023 was sent to both parties. No ET3 was filed by the Respondent and no further communication was received by the Tribunal from the Claimant.
- 2) On the day of the hearing, neither party connected to the video hearing. There were no contact details available for the Respondent because no ET3 had been filed. The Claimant was contacted by telephone by the Tribunal twice on the number provided in his ET1 (once at 2:15pm and once at 2:35pm) and, on both occasions, it rang through to voicemail and a message was left.
- 3) I noted from the information provided in the ET1 that the Claimant was claiming unpaid wages from October 2022, which he said should have been paid on 31st October 2022. The early conciliation certificate has a date of receipt by ACAS of 27th March 2023 and the ET1 claim form was received

by the Tribunal on 29th March 2023. On the face of it, therefore, it appeared that the matter had been brought almost 2 months out of time as the applicable 3-month time limit would seem to run from 31st October.

- 4) Furthermore, even if it transpired that the claim had been brought in time (or within any longer reasonably practicable period at the Tribunal's discretion), I noted that the claim had been issued against "Leigh Maintenance Service", which does not appear to be a valid legal entity. A search of Companies House reveals that a company called Leigh Maintenance Services Limited is registered at an almost identical address to that provided for the Respondent in the ET1 (the address at Companies House being Suite 9 Holden House, Holden Road, Leigh, United Kingdom, WN7 1EX and the address on the ET1 to which the notice of claim and notice of hearing was sent being Holden House, Holden Road, Leigh, Wigan, WN7 1EX).
- 5) According to the Companies House website, Leigh Maintenance Services Limited has been in compulsory liquidation since 28th March 2023. As such, even if the claim were amended to be brought against that company, it would be stayed automatically as required by the relevant provisions of the Insolvency Act 1986.
- 6) In these circumstances, I considered that it would be in the interests of justice to dismiss the claim in the Claimant's absence as there was no apparent reason for his failure to attend the hearing, there had been no communication from him since the filing of the ET1 and there appeared to be two fundamental issues for him to overcome in establishing any entitlement to a judgment in his favour. I was also conscious that, should he be aggrieved by the decision and have good reasons for why it should be re-considered, he is at liberty to make such an application should he wish to do so.

Employment Judge **Cline**
Date 20th June 2023

JUDGMENT SENT TO THE PARTIES ON

27 June 2023

FOR THE TRIBUNAL OFFICE

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