



# **EMPLOYMENT TRIBUNALS**

## **BETWEEN**

**Claimant**

**and**

**Respondents**

**Mr M. Testro**

**Mi-Space (UK) Ltd (in administration)(1)**

**Bell Decorating Group Limited (2)**

**Held at: Exeter by Video**

**On: 13 December 2022**

**Before: Employment Judge Smail**

### **Appearances**

**Claimant:** In Person

**Respondents:** Ms H. Coutts (Solicitor)

## **PRELIMINARY HEARING JUDGMENT**

By consent it is declared: -

1. There was a transfer of an undertaking by way of a service provision change on 8 February 2022 between the First Respondent and the Second Respondent.
2. The Claimant was assigned to the Exeter City Council Kitchens and Bathrooms contract which was the subject-matter of the transfer.
3. The Claimant was a Project Manager employed by the First Respondent working on this contract.
4. The Claimant should have transferred with 46 employees who did transfer on 8 February 2022.
5. The Claimant's name was not on the pre-transfer information list of transferring employees.
6. The Claimant has suffered from bladder cancer and had absences from work in 2021 with the condition.

7. The Claimant was apparently dismissed by letter dated 10 February 2022 by the First Respondent's administrators. The letter was received by the Claimant on 14 February 2022 and purported to be backdated to 8 February 2022.
8. On 2 March 2022 the Claimant was telephoned by Mr Eaton of the Second Respondent who offered him a role with the Second Respondent.
9. The Claimant declined exploring the role on the basis that 'too much water had passed under the bridge'.

The issues remaining in the case and the case management orders in respect of them are recorded in a separate Record of the Preliminary Hearing of even date.

Employment Judge Smail  
Date: 13 December 2022  
Corrected: On 10 October 2023

Amended Judgment sent to the parties:  
10 October 2023

FOR THE TRIBUNAL OFFICE