



EMPLOYMENT TRIBUNALS

Claimant: Mr P Badham

Respondent: Middleton Mobility Limited (in administration)

JUDGMENT

The claim is struck out.

REASONS

1. By a letter dated 7 September 2023 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the claim should not be struck out because it has no reasonable prospect of success.
2. The claimant has failed to make sufficient representations. He has confirmed that he was one of only two employees at the Respondent's Newport Shop, but contends that there were sixty employees overall, employed in seventeens shops. However, the Claimant can only pursue his claim if part of a group of twenty or more employees made redundant "at one establishment". It was made clear in *USDAW and V Ether Austin Ltd and ors* [2015] ICR 675, that the "establishment" is the unit to which the redundant employees were assigned to carry out their duties. The obligation to consult in respect of collective redundancies was not therefore engaged in relation to the claimant and his claim has no reasonable prospect of success.
3. The claim is therefore struck out.

Employment Judge S Jenkins

Date 26 September 2023

JUDGMENT SENT TO THE PARTIES ON 12 October 2023

FOR THE TRIBUNAL OFFICE Mr N Roche