



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Jason Shemwell and others

**Respondents:** 1. RSL Distribution Limited **ALSO T/A RAILFORM SERVICES LTD**  
2. Adaptable Logistics  
3. Stoneport Group Limited

**Heard at:** Nottingham (in person attended)      **On:** 25 October 2022

**Before:** Employment Judge Navdip Wilson (sitting alone)

## Appearances

For the claimants      Mr J Shemwell

For the respondents:      no attendance

# JUDGMENT

## Employment Tribunals Rules of Procedure 2013

1. The claim was issued in the Midlands East Tribunals on 27 February 2022. The respondents have failed to present a valid response on time and have failed to attend the preliminary hearing listed today. The Employment Judge has decided that a determination can be properly be made of the claim, or part of it, in accordance with the Rules of Procedure.
2. The claimant issued a multiple claim form to include the following claimants whose claims are also to be determined today.
  - Stuart Bough      (case number 2600612/2022)
  - Karl **EGGINTON**      (case number 2600615/2022)
  - Terry Filbee      (case number 2600616/2022)
  - Chris Greenhough      (case number 2600617/2022)
  - Steve Kemp      (case number 2600619/2022)

3. Mr Shemwell was made redundant on 31 October 2021. Mr Bough, Mr **EGGINTON**, Mr Filbee, Mr Kemp and Mr Greehough were all made redundant on 29 October 2021. Mr Shemwell contacted ACAS as follows
  - a) ACAS EC notification on 19 February 2022 in relation to RSL Distribution Limited
  - b) ACAS EC notification on 24 January 2022 in relation to Adaptable Logistics
  - c) ACAS EC notification on 19 February 2022 against Stoneport Group Limited
4. As such the notification to ACAS was outside of the limitation period in relation to all claimants claims for notice pay holiday pay and arrears of pay against RSL Distribution Limited and Stoneport Group Limited. Therefore, all of the claimants claims for notice pay holiday pay and arrears of pay are out of time and are dismissed as against RSL Distribution Limited and Stoneport Group Limited.
5. Adaptable Logistics are in administration and therefore all claims against this respondent are dealt with under separate Order.
6. Mr Shemwell's claim for redundancy pay is dismissed upon withdrawal.
7. Mr Shemwell's claim for unfair dismissal is dismissed upon withdrawal.
8. Mr Kemp's claim for holiday pay and notice pay is dismissed upon withdrawal.
9. Mr Bough was dismissed by reason of redundancy and is entitled to a redundancy payment of £1632 from RSL Distribution Ltd and/or Stoneport Group Limited.
10. Mr **EGGINTON** was dismissed by reason of redundancy and is entitled to a redundancy payment of £13,056 from **RAILFORM SERVICES LTD AND/OR** RSL Distribution Ltd and/or Stoneport Group Ltd
11. Mr Filbee was dismissed by reason of redundancy and is entitled to a redundancy payment of £4080 from RSL Distribution Ltd and/or Stoneport Group Limited.
12. Mr Kemp was dismissed by reason of redundancy and is entitled to a redundancy payment of £7344 from RSL Distribution Ltd and/or Stoneport Group Limited
13. Mr Greenhough has failed to attend today and has not informed the Tribunal of any reason for non-attendance. The Tribunal is unable to deal with his claim today and will write to him separately.
14. Future hearings are cancelled.

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Employment Judge N Wilson  
Date: 27 November 2022  
JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

## MULTIPLE SCHEDULE

- Stuart Bough (case number 2600612/2022)
- Karl **EGGINTON** (case number 2600615/2022)
- Terry Filbee (case number 2600616/2022)
- Chris Greenhough (case number 2600617/2022)
- Steve Kemp (case number 2600619/2022)