



EMPLOYMENT TRIBUNALS

Claimant: A Smith

Respondent: Local Home Services Ltd. (R1)
Ava Volante t/a Vue Window Cleaning (R2)

HELD AT/BY: Wrexham by CVP **on:** 29th May 2024

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: A Litigant in Person
Respondents: Ms E. Rivers, Director (R1) & Mr D Halford, Manager and authorised representative (R2)

JUDGMENT On RECONSIDERATION

UPON reconsideration of the judgment signed on 24 October 2023 and sent to the parties on 25 October 2023 (“the initial judgment”) the judgment of the Tribunal is:

1. The Claimant having commenced proceedings against both Respondents by a claim form presented on 19 April 2023, the parties agree, and I find, that:
 - 1.1. The Claimant was employed by R2 at the material time (albeit the Claimant was uncertain at the time); Ava Volante is the sole proprietor of the business trading as Vue Window Cleaning and she is liable, and she accepts liability, for any judgment in relation to the Claimant’s employment in the period 22 November 2022 – 17 February 2023;
 - 1.2. R2 owes the Claimant the net sum claimed by him of £2,548.22 by way of unpaid wages and holiday pay;
 - 1.3. Judgment in respect of this claim should therefore be against R2 in that sum in substitution for R1 where the Claimant seeks payment for wages and holiday pay for the said period of employment. On this basis, R1 is not indebted to the Claimant at all.
2. It is therefore necessary in the interests of justice to:

- 2.1. revoke the initial judgment against R1 and
- 2.2. vary the initial judgment in this claim by including R2 as properly described above (mistakenly omitted in all respects from the initial judgment) and
- 2.3. Further vary the initial judgment to reflect the agreement of the parties, such that BY CONSENT it is adjudged that R2 shall pay to the Claimant the net sum of £2,548.22 by way of outstanding wages and holiday pay due to him at the effective date of termination of his employment, being 17 February 2023..

REASONS

1. The parties to this application for reconsideration agreed the correct identity of the Claimant's employer at the material time, in circumstances where he was confused at that time and at the time of presentation of his claim. He presented a claim against both Vue Window Cleaning and Local Homes Services Ltd. as a precaution. All parties to this litigation confirm that the correct respondent to the claim is Ava Volante trading as Vue Window Cleaning.
2. Neither Respondent entered an appearance to the claim or attended the final hearing in October 2023 to clarify the above. It has been clarified today.
3. R2 conceded that she owed to the Claimant the net sum of £2,548.22 on termination of his employment. The Claimant confirmed that this was the net sum he sought to recover by way of unpaid wages and holiday pay.
4. I reconsidered the initial judgment in the interests of justice to reflect today's agreement of all parties, and R2's concession, which was accepted by the Claimant.

Employment Judge T.V. Ryan

Date: 29 May 2024

JUDGMENT SENT TO THE PARTIES ON 30 May 2024

FOR THE TRIBUNAL OFFICE Mr N Roche