



THE EMPLOYMENT TRIBUNALS

Claimant

Ms Kerry Wilson

Respondent

Ms Angela Gleghorn t/a Mosaic Hair and Beauty

JUDGMENT (Liability only)

Employment Tribunals Rules of Procedure 2013 –Rule 21

The claims of unfair dismissal, breach of contract, the right to a redundancy payment, compensation for untaken annual leave and unlawful deduction from wages are well founded. Remedy will be decided at the three hour video hearing already listed in case number 2500947/20 on 29 October 2020. Notice of that hearing will be sent to both parties in this case but the respondent may participate only on the question of remedy to the extent permitted by the Judge. The hearing fixed for 11 November 2020 is vacated.

REASONS

1. The claimant presented her claim on 26 June 2020. On 22 July 2020 it was served by post to the address on the claim form which is the same as that shown in the respondent's online advertisements. A response form was due by 19 August 2020 but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if it can, obliged to issue a judgment which may determine liability and remedy. I consider the above judgment appropriate because the claim form does enable me to find the claims proved on a balance of probability but, even having the benefit of further information provided by the claimant, not enough to decide to remedy.

2. Ms Gemma Witton presented a claim on 14 May 2020 (number 2500947/20) naming Ms Angela Gleghorn and Mosaic Beauty as two separate respondents but, as the particulars of claim made clear, the latter is a trading name of the former. It was sent to the respondent on 22 June 2020. A response form was due by 20 July 2019 but none was received. On 27 July 2020 I gave judgment on liability only under Rule 21 at which time I was unaware of this claim. Nothing addressed to the respondent's place of business had been returned undelivered in that case or this one. Although hair and beauty businesses were closed during the Covid 19 "lockdown" that would not excuse an owner not visiting the premises to check the post. I had concerns that may have happened in 2500947/20. No application for reconsideration has been received in that case. The information provided in this case strengthens my view the premises were open when notice of this claim was sent and judgment in the other claim

3 Although there are slight differences the common questions of fact and law in both cases merit hearing remedy in both together.

EMPLOYMENT JUDGE T M GARNON
Judgment Authorised by the Employment Judge on 25 August 2020