



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr C Holt and Mrs J Holt

**Respondent:** R & M Gaskarth

**Heard at:** Manchester ET by CVP **On:** 5 January 2022

**Before:** Employment Judge Murphy

## Representation

Claimant: Mr Holt in person, representing himself and Mrs Holt (not present)

Respondent: Mr G Vials, Solicitor.

## JUDGMENT

1. On the unopposed application of the respondent, Samuel Smiths Old Brewery is dismissed as a respondent to these proceedings and R & M Gaskarth is substituted therefor.
2. The claimants' complaints of unfair dismissal are dismissed. The Effective Date of Termination of the claimants' employment was 14 May 2020. The Tribunal, having determined that the claimants lodged their complaints out of time and not being satisfied that it was not reasonably practicable to lodge them in time, has no jurisdiction to hear the complaints.
3. The claimants' complaints of breach of contract are dismissed. The Effective Date of Termination of the claimants' employment was 14 May 2020. The Tribunal, having determined that the claimants lodged their complaints out of time and not being satisfied that it was not reasonably practicable to lodge them in time, has no jurisdiction to hear the complaints.

## Background

4. The claimants have presented claims for unfair dismissal and breach of contract. The respondent resists the claims on the merits and also on the ground that they are time barred in circumstances where they were

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presented out of time and it would have been reasonably practicable for the claimant to have presented them in time. The claimants maintained that the effective date of Termination of their employment was 30 or 31 May 2020. The respondent maintained the EDT was 14 May 2020.

5. A public preliminary hearing took place remotely by video conferencing. The parties did not object to this format. A face-to-face hearing was not held because of the Covid 19 pandemic and issues were capable of determination by a remote hearing. Mrs Holt did not attend but was represented by her husband and fellow claimant, Mr Holt.

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**Employment Judge Murphy (Scotland),  
acting as an Employment Judge (England  
and Wales)**

Date 5 January 2022

JUDGMENT SENT TO THE PARTIES ON  
11 January 2022

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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