



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Tempesta

**Respondents:** (1) Panacea Senior Care  
(2) Ms A Zemianska

## JUDGMENT

The claim against the second respondent is struck out under rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013 on the basis that it has no reasonable prospect of success.

## REASONS

1. By a letter dated 16 December 2020, the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the complaint against the second respondent should not be struck out because the claim is for unpaid wages, and the second respondent, who was not the claimant's employer, cannot be responsible in the law of contract for any failure to pay the claimant's wages.
2. The claimant has failed to make any sufficient representations to show why this should not be done. The claim against the second respondent is therefore struck out.
3. The claim against the first respondent remains listed for hearing on Tuesday 9 March 2021.

2/1/21

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Employment Judge Hyams

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE