



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112462/2021

Mr A D McLean

**Claimant
Represented by:
Mr B
McLaughlin -
Solicitor**

Forth Care Limited (in Liquidation)

**Respondents
Not present and
Not represented**

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaints of (a) protective award under section 189 of Trade Union and Labour Relations (Consolidation Act) 1992; (b) redundancy pay; (c) notice pay; and (d) holiday pay succeed.

The remedy to which the claimant is entitled will be determined at a hearing if required.

REASONS

1. A copy of the claim form setting out the claimant's complaint(s) was sent to the v respondent on 26 November 2021 .
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it but failed to do so.

3. On 16 May 2022, the respondent was placed into Creditors' Voluntary liquidation. Kenneth Wilson Pattullo and Kenneth Robert Craig were appointed joint liquidators. The liquidators have indicated that they have no intention of entering the proceedings and there are no funds in the liquidation to meet the claim.
4. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim but not in respect of the remedy.
5. The remedy to which the claimant is entitled for the claim will be determined by an Employment Judge at a hearing if required.

Employment Judge: M Kearns
Date of Judgment: 13 July 2022
Entered in register: 14 July 2022
and copied to parties