



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE HALL-SMITH

BETWEEN:

Mrs O Radford

Claimant

AND

Turves Green Service Station Ltd

Respondent

ON: 23 May 2017

APPEARANCES:

For the Claimant: In person

For the Respondent: No representation

REASONS

(for the Judgment of the Tribunal sent to the parties on 25 May 2017 and at the request of the Respondent)

1. By a claim form received by the Tribunal on 6 February 2017, the Claimant, Mrs Oksana Radford brought complaints of unauthorised deductions from pay, breach of contract representing notice pay entitlement and a claim for statutory redundancy pay entitlement against the Respondent, Turves Green Service Station Ltd.
2. At the hearing, the Claimant attended in person and she gave evidence before the Tribunal. The Respondent was not represented at the hearing.
3. By its response, the Respondent contended the following:

The amounts shown are not entirely correct

The issues

4. In her claim form, the Claimant had clearly set out the amounts she alleged were due to her from the Respondent and payments she had received from the Respondent towards the amounts allegedly due. Having regard to the

Respondent's response, the sole issue before the Tribunal involved the calculation of the amounts actually due to the Claimant in circumstances where the Respondent appeared to dispute the 'correctness' of the amounts claimed by the Claimant.

The facts

5. I heard evidence from the Claimant and I found her an entirely credible witness.
6. The Claimant commenced her employment at the Respondent garage on 6 November 2006. The Claimant was initially employed as company secretary but since December 2011 she was employed as the company bookkeeper.
7. The Respondent company is owned by the Claimant's husband, Mr Steven Radford. In April 2016 the Claimant was granted a decree nisi of divorce and in June 2016, Mr Radford was arrested for domestic violence. Mr Radford was subsequently bailed and he was ordered to leave the matrimonial home.
8. In July 2016, Mr Radford informed the Claimant that she was to be made redundant. I found that the effective date of termination of the Claimant's employment was 30 September 2016.
9. The Claimant produced a schedule of loss and I found that she was entitled to a statutory redundancy payment in the sum of £4311 (9 x £479), having regard to her years of service and to her gross weekly pay, which was in excess of the statutory maximum applicable at the relevant time.
10. The Claimant's net weekly pay was the sum of £594.55. Accordingly, the Claimant's notice pay, represented by her nine years of continuous employment with the Respondent, amounted to the sum of £5350.65.
11. I found that the Claimant's complaint of unauthorised deductions from pay was well founded. The Respondent had paid the Claimant sums amounting to £4500 between October 2016 and May 2017. The Claimant is owed the balance of unpaid wages in the sum of £1693.24 and the Respondent is ordered to pay the Claimant the sum of £1693.24.
12. The Respondent is ordered to pay the Claimant the sum of £160 representing the issue fee paid by the Claimant to the Tribunal.

Employment Judge Hall-Smith

Date: 27 December 2017