



EMPLOYMENT TRIBUNALS

Claimant
Miss C Zhovnaruk

Respondent
Rullo's London Limited

v

Heard at: Watford

On: 9 August 2018

Before: Regional Employment Judge Byrne

Appearances

For the Claimant: In person
For the Respondent: No attendance

JUDGMENT

1. The respondent is ordered to pay to the claimant outstanding wages in the sum of £1,113.50. That is a gross sum. If the respondent is able to produce documentation confirming that any tax and national insurance has been deducted and paid as appropriate from that sum to Her Majesty's Revenue and Customs then that documentation will satisfy part-payment of this judgment to the extent of the tax and national insurance paid.

REASONS

1. These proceedings were presented on 3 February 2018 against Salvatore Rullo. Mr Rullo is a director and sole shareholder of the above respondent Rullo's London Limited whom I joined into these proceedings today at the start of this hearing. I dispense with the service of the proceedings on Rullo's London Limited as I was satisfied that the reasons set out in the order of today's date joining Rullo's London Limited to these proceedings that the company has full knowledge of them. Mr Ketan Patel, finance manager of Rullo's London Limited is fully aware of today's hearing and date but has declined to attend and has also declined to set out any basis on which the monies claimed by the claimant are not properly due to her notwithstanding having been provided with an opportunity to do so by the Tribunal by earlier correspondence.

2. I heard evidence on oath from the claimant. Her claim form is full and detailed and I accepted her evidence that the contents of her claim form are true.
3. I make the following findings of fact. She commenced employment with the respondent on 9 December 2017 to work 40 hours per week for the respondent. In the documentation exchange between the parties her position was described as “bartender” but in reality she was effectively acting as manager for the respondent of its Kensal Rise restaurant at 43 Chamberlayne Road, London NW10 3NB. See employment offer letter to her dated 17 December 2017 provided she would be paid £8.50 per hour and that her actual working hours would depend on the shifts that she was allocated. She was paid for shifts that she worked up to and including 24 December 2017.
4. The last day on which she worked for the respondent was the 10 January 2018. She worked each consecutive day between 26 December 2017 and 10 January 2018, save for the 27 December 2017 when she was unwell. I have seen a text message exchange in the documentation provided to me which confirms that Mr Salvatore Rullo had acknowledged her ability to work on the 27 December 2017.
5. The claimant confirmed in her detailed claim form that she had worked a total of 131 hours in the course of those 15 days and that she was entitled to be paid for each hour at the rate of £8.50 per hour as is confirmed in the employment offer letter to of 17 December 2017.
6. I am entirely satisfied that she is due those monies and accordingly make the judgment in her favour in the sum of £1,113.50. That is the gross sum. Any tax and national insurance due on that gross sum paid by the respondent to the HM Revenue and Customs and in respect of which written documentation is provided by the respondent confirming that those sums have been paid by way of tax and national insurance shall count as part satisfaction of the judgment sum due to the extent of any payment made.

Regional Employment Judge Byrne

Date: 22 August 2018.....

Sent to the parties on:

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For the Tribunal Office