



EMPLOYMENT TRIBUNALS

Claimant: Miss M Limoine

Respondent: Ms R Sharma

Heard at: Southampton **On:** 26/10/2018

Before: Employment Judge Wright

Representation:

Claimant: Miss Jagroo - FRU

Respondent: Ms Sharma in person

JUDGMENT

It is the Judgment of the Tribunal that the respondent's employer's contract claim succeeds and the sum of £1,285.00 is to be paid to the respondent, by the claimant. The claimant's claim is dismissed.

REASONS

1. Oral judgment was given at the hearing and Miss Jagroo requested written reasons in accordance with Rule 62(3). This was a short hearing and no evidence was heard. In accordance therefore with Rule 62(4), these written reasons are succinct.
2. The claimant presented a claim form on 22/2/2018, claiming breach of contract. The respondent responded to that claim on 20/3/2018 and additionally, presented an employer's contract claim. That claim was

accepted by the Tribunal and on 14/4/2018 the claimant was informed of that decision.

3. The Tribunal's letter stated if the claimant wished to contest the employer's contract claim, she needed to respond within 28 days. The claimant was informed that if no response was received, then she will only be permitted to participate in any hearing relating to that claim, to the extent permitted by the Employment Judge. The claimant was also advised a default judgment may be issued against her.
4. Miss Jagroo said she became involved in the case in June 2018, or alternatively in July 2018. No application was made to present a response to the employer's contract claim out-of-time once Miss Jagroo became involved.
5. The respondent seeks £1,970.00 by means of the employer's contract claim.
6. Default Judgment was therefore granted in the respondent's favour.
7. The respondent very sensibly agreed to off-set the sum sought by the claimant of £685.00. Judgment was therefore granted in the respondent's favour for the sum of £1,285.00. In view of this, it was not in accordance with the overriding objective to hear evidence in respect of the claimant's claim and taking into account the off-set, her claim is dismissed.
8. The parties were advised of the time limit for appealing this judgment and that it is the claimant's decision whether or not to appeal. They were also informed that the respondent does not have to enforce the Judgment if she does not wish to do so and is merely satisfied with Judgment in her favour. In the alternative the respondent could accept a lower payment than provided for in this Judgment and/or the parties could agree a sum between themselves and repayment terms.

Employment Judge Wright

JUDGMENT SENT TO THE PARTIES ON

.....2 November 2018.....

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FOR THE SECRETARY OF EMPLOYMENT
TRIBUNALS