



EMPLOYMENT TRIBUNALS

Claimants

(1) Miss S. Stohldreier
(2) Mr. K. Stoter

Respondent

Kambistro Group Ltd

v

Heard at: Watford

On: 10 January 2019

Before: Employment Judge Heal

Appearances

For the Claimants: in person

For the Respondent: not present or represented

Preamble

1. This hearing was listed in Cambridge for 10.00am today. Notice was sent to Ms Kamelia Singh at the address given for her on the claim form.
2. On 21 November 2018 EJ Ord amended the name of the respondent to Kambistro Group Ltd. That order was sent to the respondent at the same address.
3. Further notice of the hearing was sent to the respondent at the same address (which is the registered office of the respondent) on 21 November 2018. By the same document, the respondent was told that its response must be received by the tribunal by 19 December 2018.
4. The respondent sent a response which was received by the tribunal on 12 December 2018.
5. By letter dated 9 January 2019 the tribunal notified the parties by email that the hearing had been transferred to Watford.
6. On 9 January 2019 at 10.41 the tribunal left a voicemail message for the respondent to confirm the respondent's attendance at the hearing.
7. At 10.00am no representative of the respondent was present at the tribunal. Accordingly, the tribunal clerk telephoned the number on file for the respondent and spoke to Ms Singh. Ms Singh told the clerk that she was not aware that the hearing was today, she could not come to the tribunal today, she had sent a response which had been accepted and the respondent was no longer trading.

8. I was satisfied that the respondent had been sent notice of the hearing today because she had sent a response and therefore must have received the notice of hearing contained in the letter from the tribunal dated 21 November 2018. The tribunal had also sent her a voice message notifying her of the change of venue.

9. Therefore, I decided to proceed with this hearing in the absence of the respondent.

JUDGMENT

1. The complaints by both claimants of unauthorised deductions from wages are well founded.

2. The respondent shall pay to the first claimant, Ms Stohldreier, the sums of:

£773.73 net (9 days' pay from 1-9 March 2018 at a daily rate of £85.97) and **£93.71** net unpaid wages in February 2018.

3. The respondent shall pay to the second claimant, Mr Stoter, the sums of:

£773.73 net (9 days' pay from 1-9 March 2018 at a daily rate of £85.97) and **£196.33** net unpaid wages in February 2018.

4. The complaints of unpaid accrued holiday pay are well founded.

5. The respondent shall pay to the first claimant, Ms Stohldreier the sum of **£429.85** net, unpaid accrued holiday pay.

6. The respondent shall pay to the second claimant, Mr Stoter the sum of **£429.85** net, unpaid accrued holiday pay.

7. I record that the claimants were entitled to resign without notice because of the respondent's fundamental breach of contract in failing to pay their wages on time or in full.

Employment Judge Heal

Date: 10 / 1 / 2019

Sent to the parties on: 25 / 1 / 2019

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For the Tribunal Office