



# EMPLOYMENT TRIBUNALS

## Claimant

Miss G Komiciute

Heard at: Watford

Before: Employment Judge Loy

## Appearances

**For the Claimant:** In person

**For the Respondent:** No attendance or representation

## Respondent

New Age Rebel Limited

On: 27 September 2019

v

## JUDGMENT

1. The respondent is ordered to pay the claimant the total of £1,593.40
2. The claimant's claim for unpaid wages and statutory notice succeeds.
3. The claimant's claim for a declaration that the respondent failed to provide her with itemised pay statements succeeds.

## REASONS

**These reasons were requested by the claimant at the hearing.**

1. This is a claim brought by Miss Komiciute against her former employer New Age Rebel Limited for failure to pay wages for work undertaken in September and October 2018.
2. The claimant also seeks a declaration that she did not receive itemised pay statements to which she was entitled under s.8 of the Employment Rights Act 1996.
3. The respondent did not enter a response form. The respondent did not attend the hearing on 27 September 2019. Enquiries could not be made of the respondent's whereabouts on 27 September 2019 since no phone

number was available to the tribunal. The respondent entered no written submissions.

4. The respondent is a fashion retailer which continues to trade, and which has recently been supplying fashionwear to the well-known brand ASOS. The claimant was employed by the respondent in customer services.

### **The claims**

5. The claimant arrears of wages that were outstanding on the termination of her employment are as follows:
  - 5.1 In respect of September 2018, 28.5 hours for 3 weeks at £8.43 per hour net, amounting to the sum of £931.51.
  - 5.2 In respect of October 2018, 50 hours worked at £8.43 = £421.50.
  - 5.3 A claim for unpaid notice.
6. The claimant's employment was terminated without notice on 12 October 2018. In an e-mail of 12 October 2018 from Toyah Douglas, a Director of the respondent, Ms Douglas implicitly acknowledged that the claimant was entitled to what she now claims and informed the claimant that she would "be paid up until 31 October 2018".
7. The claimant was not provided with any written documentation relating to the terms of her employment.
8. The claimant gave oral evidence which the tribunal accepted as entirely truthful. She gave evidence that she worked the hours that she has claimed in her claim form and that she has not been paid for those hours. A follow up e-mail was sent by the claimant to Ms Douglas on 5 November 2018 in which the claimant again set out her claims for non-payment of wages. No response was received the claimant to that e-mail.
9. In addition, the claimant gave oral evidence that she did not receive an itemised pay statement to which she was entitled under s.8 of the Employment Rights Act 1996. She did not receive such a statement at any time during her employment. The tribunal accepted that evidence.

### **Remedy**

#### *Unpaid wages*

10. In respect of the claim for September 2018, the tribunal awards under s.13.1 Employment Rights Act 1996 and/or its breach of contract jurisdiction, the net sum of £931.50.

11. In respect of October 2018, the tribunal awards the claimant, under s.13.1 Employment Rights Act 1996 and/or its breach of contract jurisdiction, the net sum of £421.50.
12. A payment of £240.40 in respect of her notice period.
13. This produces a total overall award in the net amount of £1,593.40.

*Itemised pay statements*

14. The tribunal makes a declaration under s.8 Employment Rights Act 1996 that the respondent was in breach of its duty to provide the claimant with itemised pay statements. The claimant waived her entitlement to have the tribunal calculate the itemised pay statements under s.11 and s.12 of the Employment Rights Act 1996.

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Employment Judge Loy

Date: 22<sup>nd</sup> November 2019

Sent to the parties on:

27<sup>th</sup> November 2019

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For the Tribunal Office