



EMPLOYMENT TRIBUNALS

Claimant. Ms H Ison

Respondent. Angel Hair UK Limited

Heard at: Croydon remotely by CVP

On: 26 October 2020.

Before: Employment Judge Hargrove

Appearances

For the Claimant: In person

For the Respondent: No attendance

JUDGMENT AND REASONS

The judgement of the employment tribunal is as follows: –

1. The claimant's claim for a redundancy payment is well founded and the respondent is ordered to pay to the claimant a redundancy payment of £520.32.
2. The claimant's claim for six days holiday pay due on termination is well founded and the respondent is ordered to pay £290.24 to the claimant.
3. The claimant's claim for unpaid notice pay is well founded and the respondent was ordered to pay to the claimant £195.12.

Reasons.

1. The claimant was employed by the respondent as a hairstylist from the 13th of July 2014 to the 17th of February 2019 when she was dismissed for redundancy. She presented a claim on the 21st of March 2019 against this respondent as the first respondent and against Eva Volfona as second respondent. At the ETA3p second respondent denied that she was the claimants employer. The first respondent admitted that it was the claimants employer and that it owed £1105.68 to the claimant. The second respondent asserted that the claimant owed the company £1985 as overpaid statutory maternity pay.
2. On 5 September 2019 a hearing was listed. The claimant did not attend but the second respondent attended as a director of the first respondent. She claimed that the claimant owed about £2000 to the first respondent as an overpayment of SMP but which ACAS had informed could not be set off against the claimant's

claims in the tribunal proceedings. The first respondent had started proceedings in the County Court in respect of that claim.

3. The tribunal at that hearing found that the claimant was employed by the first respondent but not the second respondent who was dismissed from the proceedings. The Employment Tribunal adjourned the hearing to enable the claimant to attend, and for clarification of what was happening in the County Court proceedings.
4. Notice of a resumed hearing of the tribunal proceedings were sent out several weeks ago to the parties. On the morning of this resumed hearing at 11:58 am and email was received from Miss Vodafone stating that she had received notification of the start time of 2 pm on Friday, the 23rd of October and that she was unable to attend on behalf of the remaining respondent because she was working . She said that the County Court proceedings were now scheduled for March 2021 and asked for the Employment Tribunal hearing to be deferred until its outcome was known.
5. I refused to adjourn this hearing. There has already been considerable delay. The remaining respondent admits that it owes the amount of the claimant's claim to the Tribunal. It cannot set off any amount it may be owed by the claimant for overpaid SMP. That claim will have to be decided in the County Court. The claimant told me that the County Court claim had been heard in her absence sometime ago but that the judgment had been set aside and was now relisted in March 2021. Whatever the outcome of that case, I am satisfied that the respondent does owe the claimant the amount of her claim in the Tribunal.

Employment Judge Hargrove

26 October 2020

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