



# EMPLOYMENT TRIBUNALS

## FINAL HEARING

**Claimant:** Miss A Mirueta

**Respondent:** Sambuca Chelest Limited

**Heard:** Remotely by video    **On:** 26 February 2021

**Before:** Employment Judge S Shore

***Representation:***

**Claimant:** In Person

**Respondent:** No Appearance

## JUDGMENT

1. It was not reasonably practicable for the claimant to have presented her claim within the time limit set out in section 23 of the Employment Rights Act 1996 and she presented her claim within a further reasonable period.
2. The claimant's claim unauthorised deduction of wages (failure to pay National Minimum Wage) is well-founded and succeeds. The claimant should have been paid at least £8.21 per hour throughout her employment (the prevailing NMW rate). She should have been paid 12.5 hours x £8.21 x 7 days per week = £718.28 per week (gross). She was paid £60.00 per day (or 7 x £60 = £420.00 per week), and was underpaid by £298.28 (gross) per week.
3. The claimant was employed from Monday 19 August 2019 to 24 February 2020, that is exactly 27 weeks, so her losses are 27 x £298.28 = **£8,056.26** (gross before deduction of tax and National Insurance). The respondent shall pay her that sum.
4. The claimant's claim unauthorised deduction of wages (failure to pay holiday pay) is well-founded and succeeds. Using the same dates and rates of pay as above, the claimant accrued 14.6 days' holiday, which is calculated at £102.70 per day (gross). Holiday entitlement should be rounded up to the nearest whole day, so the claimant's entitlement is

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15 days x £102.70 = **£1,540.50** (gross before deduction of tax and National Insurance). The respondent shall pay the claimant that sum.

Note: This has been a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V - video. It was not practicable to hold a face to face hearing because of the Covid19 pandemic.

**Employment Judge Shore**

**Date 26 February 2021**

**Note**

**Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.**

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