



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms E Quinn

**Respondent:** Leonidas Andreou

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**Heard at:** London South (by telephone)

**On:** 19 January 2021

**Before:** Employment Judge Kelly (sitting alone)

### Appearances

For the claimant: In person

For the respondent: No appearance

## JUDGMENT

### The judgment of the Tribunal is that:

A deduction was made from the Claimant's wages. The respondent is ordered to pay to the claimant the sum of £722.50.

## REASONS

1. This hearing was A: audio – fully remote. It was listed as a video conference hearing (CVP) but the claimant could not accommodate that and was content for the hearing to be by phone.
2. The respondent has not attended this Hearing (either the CVP hearing arranged or the telephone hearing).
3. We have considered whether we should adjourn the hearing or proceed in the absence of the respondent.
4. The claimant said that the respondent was abroad and would not attend the hearing. The tribunal called the number for the respondent. It did not get a

response and was unable to leave a message. We note that the respondent responded to the claim and therefore was receiving correspondence sent to the address used by the tribunal.

5. We decided that this case has seen too much delay already given that it should have been heard on 26 March 2020 and was adjourned from that date. We consider that the respondent had notice of the hearing and could have attended. We consider it to be in line with the overriding objective to deal with the case today.
6. It is open to the respondent to write to the tribunal in compliance with the Employment Tribunal Rules of Procedure (and in particular the applicable time limits) to apply for this Judgment to be reconsidered.
7. We considered the claim form and response, the order of 26 March 2020 and the claimant's email to the tribunal of 27 April 2020 with attachments.
8. We first discussed the identity of the respondent. We made the point to the claimant that the respondent said that the correct identity of the respondent was The Plough and Harrow Greek Taverna Limited and that this was the name of the employer shown on the payslips provided by the claimant. We informed the claimant that this company was registered at Companies House. However, the claimant said that her contract of employment showed her employer as the individual respondent whom she had named and that she wished to continue the claim against him personally. She agreed to the tribunal changing the name of the respondent to Leonidas Andreou which was the name of the director of The Plough and Harrow Greek Taverna Limited at Companies House and we do this separately.
9. We then considered the claimant's claim for outstanding wages which the claimant quantified as £722.50. She said that this was pay for the two weeks beginning 30 July 2019 and 6 Aug 2019 respectively. She said she had worked 36 hours and 30 minutes in the week of 30 July and 35 hours and 45 minutes in the week of 6 August, and that she was paid at the hourly rate of £10.
10. The papers we had before us included a copy of a notepad showing hours worked in these weeks and payslips dated 31 Jul 2019 and 31 Aug 2019. We noted that the latter payslip showed a payment of £634.40 gross to the claimant as salary and that, on the face of it, this payment would appear to relate to the period for which the claimant was claiming. The claimant informed us that in fact, from January 2019, the respondent had got behind with her wages and that the payments showing on the payslip of 31 August were in fact for the weeks beginning 17 Jul 2019 and 23 Jul 2019.
11. Given that the respondent did not attend to give evidence on this or to cross examine the claimant, we accepted the claimant's evidence on this point. We felt confirmed in this decision by the apparent misleading information provided by the respondent on the response where he stated that the claimant only worked 10 hours a week. This was patently untrue given that the payslip of 31 Aug 2019 showed a payment of £634.40 to the claimant and the payslip of 31 Jul 2019 showed a payment of £1150 to the claimant.

12. Therefore, the claimant is due £722.50 for hours worked in the two weeks beginning 30 July 2019 and 6 Aug 2019.

**Employment Judge Kelly**

Signed on: 19 January 2021