



EMPLOYMENT TRIBUNALS

Claimant: Ms K B Shah

Respondent: Sammic Clothess Limited

Heard at: Leicester

On: 30 June 2021

Before: Employment Judge Butler (sitting alone)

Representation

Claimant: In person

Respondent: No attendance

JUDGMENT

The Judgment of the Tribunal is that the Respondent made unauthorised deductions from the Claimant's wages and is ordered to pay to the Claimant the gross sum of £1,349.24.

REASONS

The Claims

1. The Claimant submitted her claim to the Tribunal on 18 December 2018 after a period of Early Conciliation. She claimed unfair dismissal and unauthorised deductions from her wages. Her unfair dismissal claim was struck out as she did not have the necessary period of two years' continuous employment. The Respondent's response was struck out because of a failure to actively pursue it.

The Evidence

2. The Claimant attended the hearing and gave oral evidence through a Gujarati interpreter, Mrs Shilpa Lodhiya, who attended by CVP and took the interpreter's oath. The Respondent did not attend.

The Issues

3. The principal issue is to determine the Claimant's effective date of termination of her employment.

The Facts

4. The Claimant's evidence was not challenged. I find she became aware of her dismissal on 9 November 2018. At that point she had not been paid after 31 July 2018 before she had an accident on 17 August 2018 which resulted in a long period of sickness absence. She continued to submit fitness to work certificates to the Respondent until she became aware of her dismissal.

5. The Claimant is entitled to be paid at her normal rate of pay from 1 August 2018 to 16 August 2018 inclusive which is £336.69. Thereafter she is entitled to 11 weeks of statutory sick pay at the then rate of £92.05 which amounts to £1,012.55. The total award is £1,349.24. These amounts constitute unauthorised deductions from wages pursuant to s.13 of the Employment Rights Act 1996.

Employment Judge Butler

Date 1 July 2021