



EMPLOYMENT TRIBUNALS

Claimant: Miss A Mireuta

Respondent: Sambuca Chelest Limited

CERTIFICATE OF CORRECTION **Employment Tribunals Rules of Procedure 2013**

Under the provisions of Rule 69, the Judgment sent to the parties on 19 March 2021, is corrected as set out as underlined in the name of the claimant.

Employment Judge Shore

Date 30 June 2021

Important note to parties:

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



EMPLOYMENT TRIBUNALS

FINAL HEARING

Claimant: Miss A Mireuta

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 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

**JUDGMENT SENT TO THE PARTIES ON
19 March 2021**

**Miss K Featherstone
FOR THE TRIBUNAL**

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.