



EMPLOYMENT TRIBUNALS

Claimant: Mr A Kairouz

Respondent: Ambar Entertainment Limited

Heard via Cloud Video Platform

On: 15 July 2021

Before: Employment Judge Davidson

Representation

Claimant: in person

Respondent: Mr A Marshall, Director

UPON APPLICATION made by the respondent on 12 February 2021 to reconsider the Judgment dated 20 January 2021 under rule 71 of the Employment Tribunals Rules of Procedure 2013

JUDGMENT

The original Judgment has been reconsidered and varied as follows.

The respondent is ordered to pay the claimant the sum of £4095 in respect of the following:

- 1. £3685 as 15 weeks' arrears of pay**
- 2. £410 as preparation time order (10 hours)**

Notes

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.

CVP hearing

1. The hearing was a remote public hearing, conducted using the cloud video platform (CVP) under rule 46. The parties agreed to the hearing being conducted in this way.
2. The parties were able to hear what the tribunal heard and see the witnesses as seen by the tribunal. From a technical perspective, there were no significant difficulties.

3. The participants were told that it was an offence to record the proceedings.
4. Evidence was heard from the claimant and Adam Marshall. I was satisfied that none of the witnesses was being coached or assisted by any unseen third party while giving their evidence.

REASONS

Following a reconsideration hearing on 15 July, the original Judgment dated 20 January 2021 has been reconsidered and varied for the following reasons.

1. The claimant must have been aware of the pandemic and its impact on the respondent's business. While the respondent should have responded to the Whatsapp message sent by the claimant in March 2020, the claimant did not receive any pay for February or subsequent months which, on his case, was owed to him and did not follow up to query the non-payment.
2. While I do not accept the respondent's suggestion that the claimant had a questionable motive for not following up sooner, I do agree that the claimant should have made some further contact with the respondent.
3. I accept that the claimant may have been under some stress at the time but it is apparent that he was not expecting to be paid, which explains his lack of follow-up.
4. I find that by the end of May, when the claimant had not heard from the respondent at all and had not been paid by them, he must have realised that he was no longer regarded as employed by the respondent. I therefore award the loss of earnings until the end of May 2020.
5. I also award 10 hours of preparation time as all the preparation for this hearing has been done by the claimant.

Employment Judge Davidson
Date 15 September 2021
London Central

JUDGMENT SENT TO THE PARTIES ON
15/09/2021.

FOR EMPLOYMENT TRIBUNALS