



EMPLOYMENT TRIBUNALS

Claimant

Miss J Lewis

v

Respondent

Barista Lounge Wokingham Limited

Heard at: Bury St Edmunds (by CVP)

On: 16 July 2021

Before: Employment Judge KJ Palmer

Appearances:

For the Claimant: In person.

For the Respondent: No attendance.

JUDGMENT having been sent to the parties on 13 August 2021 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

These reasons are pursuant to an extemporary judgment given on 16 July 2021 when the claimant attended but the respondent did not.

A request for written reasons was made on 19 August 2021 some six days after the Judgment was sent to the parties. The file having been received by me today, 29 September 2021 those reasons are given below.

REASONS

1. This matter came before me today listed for a full merits hearing to be conducted by Cloud Video Platform. The hearing was conducted by me in the Bury St Edmunds Employment Tribunal. Only the claimant attended. There was no attendance for the respondent.
2. I waited until 10.30 am to see if anyone attended on behalf of the respondent but in the absence of anyone joining the CVP hearing I resolved to continue and hear the matter in any event.
3. I was in some difficulties with the paperwork in that the file had not been sent to me by the administration. I had no bundle, no witness statements and no respondent.

4. The claimant however did attend. I had received a copy of the claimant's ET1. The claimant presented the claim to the Watford Employment Tribunal on 2 July 2020. In it she articulated that she had been engaged by the respondent as a Barista (All-rounder). The respondent company operates the Barista Lounge Wokingham Limited. I was able to ask the claimant more about her claim and in essence her claim was for unpaid wages that she worked for the respondent between 7 October 2019 and 2 March 2020. During the course of this hearing the claimant was able to scan in and send to me via my clerk at Bury St Edmunds various documentation amounting to 13 pages of documents.
5. By going through these documents with the claimant I was able to crystallise the nature of her claim. In essence that she had been underpaid for work done in October & November 2019 and February 2020.
6. She was able to take me through the amounts that she worked and the sums that she was paid. In essence in those months that she worked some 332.5 hours at £8.20 per hour. She should therefore have been paid the sum of £2,726.50. In fact she was only paid the sum of £1,066.03.
7. Having examined the documents I am satisfied that what she is telling me is correct and I am therefore prepared to give Judgment in her favour for the outstanding unpaid wages of £1,663.79.
8. I am bound to say that the situation today was far from perfect in that I did not have all the necessary documentation in front of me. However, that is common during the course of the last year and the pandemic that we have faced. Many hearings have taken place by CVP and often during the course of the hearing the parties have been required to forward documentation to the Tribunal for the Judge to see. Files have rarely been before me on hearings therefore only a partial picture can be gleaned.
9. However, Judges have to take a view as to whether they are able to proceed. To constantly postpone and re-list hearings is where possible to be avoided and cases need to be dealt with.
10. Of course there are circumstances where a Judge will have no alternative but to postpone a case and re-list it. However, not surprisingly the Tribunals are unsympathetic to parties who choose not to attend. No one from the respondent has chosen to attend today. Had they done so then they would have been able to put their side of the story. It may be that they would have been able to persuade me that a different outcome was just.
11. I have only the claimant in front of me and have seen no correspondence to indicate why the respondent is not represented here today. I have discussed the matter at some length with the claimant and have had her take me through the documentation she has submitted. On the basis of that which is before me I am satisfied that what she is claiming is correct and it

is on that basis that I make an award to the claimant payable by the respondent of £1,663.79.

Employment Judge KJ Palmer

Date: 30 September 2021

Judgment sent to the parties on

....8th October 2021.....

.....THY.....

For the Tribunal office