



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Sara Smith

v

Bucks Healthcare Services Limited

Heard at: Bury St Edmunds

On: 14 September 2021

Before: Employment Judge Bloom

Appearances

For the Claimant: In person

For the Respondent: Mr Phillimon Makekera, Director

JUDGMENT

The Respondent is Ordered to pay to the Claimant the total sum of **£2,621.64** in respect of arrears of wages. This sum is subject to deductions for Income Tax and National Insurance contributions.

REASONS

1. In this case I heard evidence from both the Claimant and Mr Makekera, a Director of the Respondent company.
2. The Claimant commenced employment, according to her, with the Respondent on 23 October 2020. The Respondent states that her employment in fact commenced on 26 October 2020. It does not matter which of those dates is correct as both parties agree the Claimant was paid all sums due to her up to and including 31 October 2020.
3. Thereafter, the Claimant received no further monies from the Respondent. The Claimant contends that she worked up to and including the day she presented her claim to the Employment Tribunal on 15 December 2020.
4. The Respondent states that she did not work up to 15 December 2020 and her last day of employment was 3 December 2020.

5. The Respondent accepts that the Claimant is owed salary for November 2020 and the first three days of December 2020.
6. The dispute that I have to resolve, therefore, is whether or not the Claimant worked between 4 December 2020 and 15 December 2020.
7. Having heard evidence from the Claimant, I prefer her version of events. Not only did she give me details of the work she did during that period, but I have seen a chain of WhatsApp messages between herself and Mr Makekera which confirms that she undertook duties and complied with instructions from him over that period.
8. This evidence was contained in an email submitted to the Employment Tribunal on 14 June 2021. I am satisfied that a copy of that email was sent to the Respondent. Mr Makekera states he did not receive it.
9. Based on the evidence provided to me and as a result of the documentary evidence disclosed by the Claimant, I am satisfied that her version of events is to be preferred to that of Mr Makekera and I consequently conclude that she worked for the Respondent up to the date her claim was presented to the Employment Tribunal.
10. Consequently, the Claimant is owed 11 days pay for the days she worked between 1 and 14 December 2020, inclusive.
11. The sum owed in respect of salary for November 2020 amounts to £1,750.00. Plus an additional sum of £871.64 for the period in December 2020. This makes a total sum payable by the Respondent to the Claimant in the sum of **£2,621.64**.
12. The Respondent is Ordered to pay that sum to the Claimant.

4 October 2021

Employment Judge Bloom

Sent to the parties on: 12 October 2021

For the Tribunal Office