



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs C Tang

**Respondent:** Churrasco Ltd

**Heard at:** Hull **On:** 26 November 2021

**Before:** Employment Judge Miller

## **Representation**

Claimant: In person

Respondent: No attendance

# JUDGMENT

1. The name of the respondent is amended to Churrasco Ltd
2. The respondent's response is struck out on the grounds that the manner in which the respondent has conducted the case has been unreasonable.
3. The claimant's claim of unauthorised deductions from wages is successful and the respondent is ordered to pay the claimant the **gross** sum of £5400.45 (comprising of £5000.06 underpaid salary and £400.39 withheld tips)
4. The claimant's claim of breach of contract for failure to pay notice pay is successful and the respondent is ordered to pay the claimant the **gross** sum of £942.31
5. The respondent failed to comply with the ACAS code of practice on disciplinary and grievance procedures in respect of the dismissal of the claimant. The award of compensation for breach of contract is therefore subject to a 25% increase and the respondent is ordered to pay the claimant the additional sum of £471.16
6. The claimant's claim that she was not paid a payment in lieu of untaken holidays on termination of her employment is successful and the respondent is ordered to pay the claimant the **gross** sum of £1607.68

7. The respondent failed to provide the claimant with a written statement of her initial employment particulars. The respondent is ordered to pay the claimant the sum of £1884.62, being four weeks' pay.
8. I make a preparation time order in favour of the claimant and the respondent is ordered to pay the claimant her costs of £1025 incurred in preparing for this hearing.
9. The respondent shall pay the claimant the total sum of **£11331.22**. Where expressed as gross sums, the payments may be subject to deductions for tax and/or national insurance.
10. The respondent is not ordered to pay a penalty to the Secretary of State pursuant to s12A Employment Tribunal's Act 1996.

Employment Judge **Miller**  
Date 29 November 2021

JUDGMENT SENT TO THE PARTIES ON  
Date 3 December 2021

Notes

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.

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