



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Miss Marta Domanska

v

The Chair (Buckingham) Limited

**Heard at:** Cambridge

**On:** 6 January 2022

**Before:** Employment Judge Tynan (sitting alone)

## Appearances

**For the Claimant:** In person

**For the Respondent:** Did not attend and was not represented

## JUDGMENT

The Judgment of the Tribunal is as follows:

1. The Claimant's complaint that she was unfairly dismissed by the Respondent is well founded. The Tribunal makes the following award of compensation for unfair dismissal to the Claimant:
  - 1.1 A basic award of **£1,276.50**; and
  - 1.2 A compensatory award of **£8,886.42**.
2. When the proceedings were begun the Respondent was in breach of its duty to the Claimant under Part 1 of the Employment Rights Act 1996 to provide her with a written statement of employment particulars. The Tribunal considers that it would be just and equitable in the circumstances to increase the award to the Claimant by **£1,702.00**, being the "higher amount" prescribed by section 38(4) of the Employment Rights Act 1996.
3. The Claimant's complaint that the Respondent dismissed her in breach of contract, by not giving her notice or paying her in lieu of notice, is well founded. However, the Tribunal makes no award of damages for breach of contract on the basis that any damages for breach of contract are covered by the compensatory award for unfair dismissal above.
4. The Tribunal declares that the Respondent made deductions from the Claimant's wages in contravention of section 13 of the Employment Rights Act 1996 and Orders the Respondent to pay to the Claimant the sum of **£1,190.16** in respect of such deductions.

5. The total of the sums above payable by the Respondent to the Claimant is **£13,055.08**.
6. The Respondent's employer's contract claim against the Claimant is not well founded and is dismissed.
7. The Tribunal makes a Preparation Time Order that the Respondent pay to the Claimant the sum of **£820.00** in respect of the Claimant's preparation time while not legally represented to reflect the Claimant's time spent in working on the case, excluding her time spent at the Final Hearing.

## **REASONS**

1. 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.
2. The hearing on 6 January 2022 proceeded in the absence of the Respondent. I delayed the start of the hearing in case the Respondent had experienced any difficulties in getting to Tribunal. However, it was clear on the face of the file that the Respondent had been given notice in August 2021 of the hearing on 6 January 2022 as it had responded to the Tribunal's correspondence, albeit in angry terms.
3. The Claimant informed me that the Respondent had failed to comply with the Tribunal's case management orders, and that it had failed to provide disclosure of documents, co-operate in the preparation of a hearing bundle or serve any witness statements for the final hearing. In its Form ET3 the Respondent states an intention not to pay the Claimant any monies.
4. At approximately 10.30am, half an hour after the hearing was scheduled to commence I made telephone enquiries of the Respondent to ascertain its whereabouts and intentions. I spoke with its owner and director, Mr Lowrie who was at its Towcester salon. On introducing myself, he immediately began shouting at me and talking over me, directing a barrage of questions at me in an angry and intimidating manner. Mr Lowrie made clear that he would not be attending Tribunal and ended the call, telling me that I was a "prick". Being satisfied that the Respondent was on notice of the hearing but that it had chosen not to attend, I proceeded to hear the case in its absence albeit having due regard to its case as set out in its Form ET3 and in correspondence with the Claimant.

18 January 2022  
Employment Judge Tynan  
Sent to the parties on: 8/2/2022  
N Gotecha - For the Tribunal Office