



THE EMPLOYMENT TRIBUNALS

BETWEEN

Ms Gabija Mockute

Claimant

and

Romeo's Bakery Ltd

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT: London Central

ON: 15 July 2019

EMPLOYMENT JUDGE: Mr Paul Stewart

Appearances:

For the Claimant: In person

For the Respondent: Did not appear and was not represented

JUDGMENT

The Respondent do pay to the Claimant the sum of £2,935.29 gross being the unpaid wages owing to the Claimant as a result of her employment, which sum can be satisfied in part by the Respondent producing a P45 showing sums paid to the HMRC in respect of income tax and national insurance on behalf of the Claimant.

REASONS

1. The Claimant was employed by the Respondent company as a manager under a contract of employment dated 28 July 2018 which provided that she should be paid a gross annual salary of £25,000 per annum. It also provided that the Respondent was entitled to terminate the contract by giving one week's notice once the Claimant had worked for one month. Mr Romeo

Minamba Dallh is a director of the Respondent who gives his name to the company name.

2. While generally the Claimant was paid, there were difficulties. She did not get an itemised pay slip. The net payment she received by direct payment into her bank account started on a weekly basis started with two payments of £384 and then reduced to £380 for nine payments.
3. Eventually, she and Mr Dallh fell out and, on 18 November 2018, Mr Dallh dismissed the Claimant giving her no notice.
4. She therefore has brought this claim by an ET1 presented to the Tribunal on 18 March 2019 after having contacted ACAS for early conciliation on 10 February 2019 and after ACAS had issued an EC certificate on 10 March 2019.
5. Notice of the claim was sent to the Respondent on 20 May 2019 along with a notice of this hearing. The Respondent had 28 days from 20 May 2019 to present its response. It did not do so.
6. Today, at 2pm – that being the scheduled time set for this hearing by the notice of hearing – no one attended but shortly after 3pm when I was writing up this judgment, Mr Dallh appeared claiming he had understood from “Samantha from ACAS” that the case had been settled. The Claimant, who had been waiting for a copy of this judgment denied any compromise had been reached through ACAS and, indeed, read out an email from Samantha at ACAS received at 4pm approximately on Friday to the effect that no agreement had been reached and she should attend.
7. I explained to Mr Dallh that the chart in the Employment Tribunal Remedies Handbook for 2018-19 gives me the net sums appropriate for gross salaries during the tax year 2018-2019. For £25,000 gross, the net salary after deduction of income tax and national insurance contribution is £20,230.88.
8. The Claimant had worked a total of 97 days when dismissed without, as she was entitled, a week’s notice. The net pay she should have received for that period of work plus 7 days notice was $£20,230.88 \times 104/365 = £5,807.15$. The gross sum for that period plus notice of 7 days would be $£25,000 \times 104/365 = £7,123.29$.
9. In fact, the Claimant had received only £4,188. She neither received itemised pay slips nor a P45 on dismissal. When she approached HMRC for information as to how much tax and national insurance had been paid on her behalf, they denied knowledge of her employment with the Respondent.

10. She is entitled to pay under the contract of employment to the period she worked plus notice of £7,123.29 gross. There is a shortfall of £2,935.29.

11. I can – and do – award the Claimant the sum of £2,935.29 in respect of which the Respondent can satisfy in part by producing a P45 showing the income tax and national insurance paid to HMRC on behalf of the Claimant. If so satisfactory proof of payment on income tax and national insurance (and the most satisfactory proof of such payment is the P45), then the sum to be paid to satisfy this judgment will be £2,935.2.

EMPLOYMENT JUDGE – P Stewart

On: 15th July 2019.

DECISION SENT TO THE PARTIES:

AND ENTERED IN THE REGISTER
02/03/2022

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FOR THE SECRETARY OF THE TRIBUNALS