



EMPLOYMENT TRIBUNALS

Claimant: Ms L F Cheng

Respondent: Light Care Services Limited

Heard at: Bury St Edmunds (via CVP)

On: 2 August 2022

Before: Employment Judge Laidler

Representation

Claimant: In person

Respondent: Unable to connect to CVP

JUDGMENT

1. The response has no reasonable prospects of success as it was received out of time and provides no defence to the claim but rather states 'we are not refusing to pay her. At the present moment the company is finding it difficult let alone to pay rent'.
2. Judgment is therefore entered in the claimant's favour and the respondent ordered to pay £2623.09 calculated as set out below.

REASONS

1. The claim form in this matter was received on 28 September 2021. The claimant brought various monetary claims totalling £2953.09. She also brought an unfair dismissal complaint that was dismissed as she did not have the requisite 2 years service.
2. The claim was served on the respondent by letter of 12 January 2020 in which the respondent was advised that its response was to be received by the Tribunal office by 9 February 2022. The response was in fact received on 15 February 2022 and therefore was out of time. It appears as a result

of an administrative error that it was accepted when it should not have been.

3. In the response the respondent did not set out any grounds of resistance to the claim but stated that they were not refusing to pay the claimant but were having difficulties in paying their rent. They stated that they would pay the money owed but at the present time the company was struggling financially. This tribunal is satisfied that a default judgement could have been entered at that stage but it was not and this hearing was listed.
4. The hearing was listed to take place on the Cloud Video Platform (CVP). A representative of the respondent attempted to join by mobile phone but appeared not to be able to hear either the tribunal clerk or the judge. Several attempts were made to connect with him but without success. He appeared firstly to be in a car and then outside in the open. It was not surprising that he had difficulty connecting if he was not connecting through a broadband connection that but attempting to use mobile data.
5. The judge proceeded to clarify the amounts claimed with the claimant. The judge accepts that the claimant was dismissed without notice, was entitled to 2 weeks pay that she had not been paid and to accrued holiday pay. The claimant had also claimed £330 in respect of her pension. The claimant's contract of employment which was provided to the tribunal stated that there was no pension scheme applicable to the employment. The claimant argued that she should have been in a workplace pension scheme and did attempt to discuss that with the respondent. Nothing happened. The tribunal does not consider it has jurisdiction to make an award for payments that were not made into a scheme as it has no evidence that a workplace pension scheme even existed. If the claimant continues to have concerns about that matter it is suggested she seek advice elsewhere.
6. The judgment therefore in the claimant's favour is £2623.09 calculated as follows: –

Annual salary £22,000 per annum

Gross weekly pay £423

Daily rates £84.61.

Unpaid wages 1 to 14 August 2021	£846.16
Notice pay	£423 08

Accrued annual leave 16 days at £84.61 per day	£1353.85
Total award to the claimant	£2623 09.

Employment Judge Laidler

Date: 02 August 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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