



EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 9th November 2022

Claimant

Mrs Emine Cafer

Between

&

Respondent

Lornar Ltd

Before

Judge M Aspinall (Sitting as an Employment Judge)

Appearances

Mrs E Cafer, in person
Mr T Fuller, for the Respondent

OPEN PRELIMINARY HEARING Judgment

1. The judgment of the Tribunal is:

1. That this hearing is converted from a full merit hearing to an open preliminary hearing; and
2. That the claim for unlawful deduction from wages for a period of work completed in October 2020 succeeds on concession by the Respondent but that the amount properly due has been agreed between the parties and confirmed as settled by the Claimant; and
3. That the claim for holiday pay is dismissed on withdrawal by the Claimant following settlement; and
4. That the claim for redundancy payment was not properly pleaded by the Claimant in either the Claim Form, her witness statement or in her schedule of loss. It is therefore dismissed at a preliminary stage.
5. That all other claims made in the Claim Form (ET1) were resolved at the previous open preliminary hearing; claims for **unfair dismissal, unlawful deductions from wages (up to 31/8/2020) and wrongful dismissal** all having been dismissed by the Learned Judge at that stage (June 2022).

2. Reasons

Unlawful deduction from wages

It is declared that the Respondent made an unlawful deduction from the wages properly due to the Claimant for the period of 13-18 October 2020. The Respondent conceded this claim prior to the hearing and confirmed that the balance due had been paid to the Claimant in March 2021. The Claimant confirmed that this was correct, and that the Tribunal no longer needed to adjudicate the point.

3. Despite the concession and the fact that the money due had been paid prior to the hearing, it was agreed that a declaration was appropriate as the Claimant made her claim at a stage when the Respondent had unlawfully made such deductions.
4. Despite that declaration, the Respondent having made the payment required means that the Tribunal need make no further order on the claim for unlawful deductions from wages.
5. Unpaid holiday pay
The claim for unpaid holiday was withdrawn by the Claimant as it has been settled between the parties and there is no remedy sought by the Claimant in respect of that claim.

6. **Redundancy pay**

The claim for a redundancy payment was one made by the Claimant who had believed that since the Respondent had terminated her employment after 24 years, she ought to be entitled to a payment. Her pleaded case did not refer to a redundancy and she did not claim for a redundancy payment in her schedule of loss. Her own evidence at this preliminary hearing was that the Respondent had asked her to return to work in August 2020 but that she had been unable to return from Turkey due to pandemic restrictions, so the Respondent had become angry and terminated her employment.

7. The Claimant accepted that she had misunderstood and misused the terminology. The Tribunal does not criticise her for that, she was representing herself and the law can be complicated, but on the basis that the claim for Redundancy was not properly pleaded, it was agreed that it should be dismissed.

Judge M Aspinall on Wednesday, 9th November 2022

PUBLIC ACCESS TO EMPLOYMENT TRIBUNAL DECISIONS

Judgments and reasons for judgments of the Employment Tribunal are published in full. These can be found online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties in a case.