



EMPLOYMENT TRIBUNALS

Claimant: Mrs Abigail Phiri
Respondent: Navigate Business Recovery Ltd
Heard at: Watford by CVP
On: 11 June 2024
Before: Employment Judge Alliott

Appearances

For the Claimant: In person
For the Respondent: Not in attendance

JUDGMENT

The judgment of the tribunal is that:

1. The respondent has made unauthorised deductions from the claimant's wages and is ordered to pay her the gross sum of £525.25.

REASONS

The respondent's absence

1. Notice of this hearing was sent to the parties on 23 April 2024.
2. The CVP link was sent to the respondent at 15.29 on 10 June 2024.
3. At 2.00pm the respondent was not in attendance .
4. At 2.05 I adjourned to make enquiries as to whether the respondent wanted to appear.
5. The respondent was telephoned and emailed at 2.10. Ms Vee Bharkhada answered the phone call and stated that she was ill in bed with sciatica.
6. At 14.12 Ms Vee Bharkhada emailed to state:

“I have been trying to call the court today but had a difficulty twice getting through to speak to someone.

I am unwell and will be seeing a doctor later this evening. I will provide a letter from the doctor.

I am also waiting for my solicitors to review the case...”

7. The respondent has provided no medical evidence or an explanation as to why someone else at the respondent or her solicitors could not be in attendance.
8. I therefore decided to proceed in the absence of the respondent.

The claim

9. The claimant's hourly rate was £11 and she normally worked 21 hours per week. Her letter of engagement stipulated she had to give 2 weeks' notice to terminate her contract.
10. The claimant worked 6 ¾ hours on 3 April 2023.
11. On 4 April 2023 the claimant resigned giving 2 weeks' notice.
12. The respondent replied "We can work out your 2 weeks' notice and deal with handover on Thursday."
13. The claimant was instructed not to attend the office.
14. The claimant submitted an invoice for her 3 April 2023 pay and notice period pay on 18 April 2023. The respondent has not paid it.
15. The ET3 states "they were paid for the period which the claim relates to." The respondent has provided no written evidence or documentation at all, let alone to show that.
16. I find the respondent has made unauthorised deductions form the claimant's wages and the respondent is ordered to pay her £525.25.

Note

In the event that the respondent seeks reconsideration of this judgment, any such application must be accompanied by a full explanation of why the respondent was not in attendance today, along with medical evidence, and why the respondent has not complied with the tribunal case management orders for disclosure of relevant documents and a witness statement.

Employment Judge Alliott

Date: 12 June 2024

Sent to the parties on: 31/07/2024

For the Tribunal Office

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or

verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>