



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Rubi Gonzalez

**Respondent:** Fabskills Limited

**Heard at:** Watford (by video)

**On:** 7 August 2024

**Before:** Regional Employment Judge Foxwell

## Appearances

For the claimant: In person (assisted by Mr C Pinto, her husband)

For the respondent: No appearance

## JUDGMENT

1. The respondent has made an unauthorised deduction from the claimant's wages and must pay the claimant £366.40 gross.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent must pay damages to the claimant of £458.
3. In further breach of contract the respondent has failed to pay pension contributions for the benefit of the claimant and the respondent must pay damages to the claimant of £156.
4. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant £778.60.
5. The claimant's claim for compensation for injury to feelings is dismissed.
6. The total of the tribunal's awards is £1,759.

## REASONS

1. Having gone through early conciliation between 12 June 2023 and 24 July 2023, on 7 August 2023 the claimant, Mrs Rubi Gonzalez, presented to the tribunal claims for unpaid wages, notice pay and holiday pay against her former employer, Fabskills Limited ("the respondent"). She also claimed compensation for injury to feelings.

2. The progress of this claim through the Employment Tribunal system has been slow; this has been due, firstly, to the need to re-serve the claim on the respondent at its registered office and, more recently, the postponement of a hearing listed in July 2024 on the claimant's application.
3. At today's hearing I made the following findings of fact on the balance of probabilities based on the claimant's evidence, which I accepted. The respondent had not entered a response and did not attend the hearing.
4. The claimant was employed by the respondent between 29 December 2022 and 4 April 2023 when she was dismissed. The respondent dismissed the claimant without notice but there is nothing to suggest that it was entitled to do so.
5. The claimant worked but was not paid for 32 hours in the first week of April 2023 prior to her dismissal. I accept her evidence that she had accrued 68 hours holiday pay at the date of her dismissal.
6. The claimant was also entitled to a 3% contribution to her auto-enrolled pension and I accept her evidence that this was not paid. I also accept her calculation of her loss under this head of £156. This is based on the payslips she has produced for January, February and March 2023 and the part of the week she worked in April 2023.
7. I find that the claimant's hourly rate was £11.45 gross and that she was contracted to work 40 hours a week.
8. Against that background, I award the following amounts gross; the claimant will be responsible to account to the authorities for any income tax or National Insurance due:

a. Notice pay:	£ 458.00
b. Arrears of pay:	£ 366.40
c. Holiday pay:	<u>£ 778.60</u>
d. Pension contributions:	<u>£ 156.00</u>
Total:	£1,759.00
9. The claimant has claimed additional compensation for injury to feelings and emotional distress. I have made no award in respect of this as I do not have power to do so (see *Dunnachie v Kingston upon Hull City Council* [2004] UKHL 36).

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**Regional Employment Judge Foxwell**

7 August 2024

Sent to the parties on:

10 October 2024

For the Tribunal:

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