



EMPLOYMENT TRIBUNALS

Claimant: Ms Lula Abawary

Respondent: (1) Paypacket Ltd
(2) Mr Ashley Isiko

Heard at: London South (By videolink) On: 25 June 2026

Before: Employment Judge R S Drake (of the VR)

Representation

Claimant: No attendance

Respondent (1) Mrs C Thompson (Director)

Respondent (2): No ET3 filed and no attendance.

JUDGMENT

1. The Claimant's claim of breach of Section 13 of the Employment Rights Act 1996 in respect of unpaid wages and breach of Regulation 14 of the Working Time Regulations 1998 ("WTR") in respect of unpaid holiday pay both succeed as against the Second Respondent. The Claimant is awarded and the Second Respondent shall pay to her the total sum of £725.78.
2. The First Respondent ("R1") is dismissed from the proceedings as not being the Claimant's employer but being merely the Second Respondent's payroll management agents..

REASONS

3. There was no attendance by either the Claimant ("C") or the Second Respondent ("R2"). No explanation was provided nor application for postponement made by C, but I was able to judge her case on the basis of the documentary evidence she had provided in the form of payslips. And also her detailed Schedule of Loss. R2 has not filed an ET3

Response, so Rule 22 of the Employment Tribunals Procedure Rule 2024 (as amended) (the “ET Rules”) applies to the extent that he may take no part in the proceedings save for participating in such manner as a Judge may determine.

4. I was made aware of a request by R2 for postponement communicated 24 June and a written request today citing reliance on absence of technical means to participate and the alleged fact his daughter was unwell and he needed to be near her. This was accompanied today by what purports to be a medical report, but I find that it does not identify the R2's daughter by name associating her with R2, nor that the patient in question actually is R2' daughter and needs his presence today. Consequently I declined the postponement request especially as R2 does not have the right to participate if not having filed an ET3.
5. The R1's submission to me supported by oral testimony and Mrs Thompson's written statement were sufficient to demonstrate that they had no employment relationship with C and are merely the R2's payroll management agency. I am satisfied on the evidence that R2 was at and for all relevant purposes C's employer.
6. The Claimant's evidence was sufficient to justify her claims for unpaid wages and holiday pay add schedule below. Accordingly she is entitled to judgement as against the Second Respondent.

Employment Judge R S Drake

Date 25 June 2026

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

SCHEDULE

15 /11/ 2023 - Oct – Nov, pay date 29/11/2023

$35h \times 12.83 = £449.05$ monthly gross wage

$(£449.05 \times 12)$ divided by 52 =£103.6 weekly gross wage

$£449.05 - £407.05 = £42$ unpaid monthly gross wage

$(£42 \times 12)$ divided by 52 =£9.69 unpaid weekly gross
pay

06/12/2023 - Nov – Dec, Pay date 20/12/2023

$27h \times 12.85 = £346.95$ monthly gross wage

$(£346.95 \times 12) \div 52 = £80.06$ weekly gross
wage

$£346.95 - £330.45 = £16.50$ unpaid monthly gross wage

$(£16.50 \times 12) \div 52 = £3.80$ unpaid weekly gross pay

08/01/2024 - Dec – Jan, Pay date 17/01/2024

$36h + 7h$ (holiday pay) = $43h \times 12.85 = £552.55$ monthly gross wage

$(£552.55 \times 12) \div 52 = £127.50$ weekly gross wage

$£552.55 - 493.19 = £59.36$ unpaid monthly gross
wage $(£59.36 \times 12) \div 52 = £13.69$ unpaid weekly

gross wage

04/02/2024 - Jan – Feb, Pay date 21/02/2024

$36\text{h} \times 12.85 = \text{£}462.60$ monthly gross wage

$(\text{£}462.60 \times 12) \div 52 = \text{£}106.75$ weekly gross

wage

$\text{£}462.60 - \text{£}416.60 = \text{£}46$ unpaid monthly gross pay.

$(\text{£}46 \times 12) \div 52 = \text{£}10.60$ unpaid weekly gross pay

04/03/2024 - Feb – March, Pay date 20/03/2024

$30\text{h} + 7\text{h (holiday pay)} = 37\text{h} \times 12.85 = \text{£}475.45$ monthly gross wage

$(\text{£}475.45 \times 12) \div 52 = \text{£}109.71$ weekly gross wage

$\text{£}475.45 - \text{£}426.15 = \text{£}49.30$ unpaid monthly wage

$(\text{£}49.30 \times 12) \div 52 = \text{£}11.37$ unpaid weekly pay

02/03/2025 - Feb – March, Pay date 19/03/2025

$31\text{h (including holiday)} + 5\text{h (unpaid)} = 36\text{h} \times 13.15 = \text{£}473.40$ monthly gross wage

$(\text{£}473.40 \times 12) \div 52 = \text{£}109.20$ weekly gross wage

$\text{£}473.40 - \text{£}407.45 = \text{£}65.95$ unpaid monthly gross

wage $(\text{£}65.95 \times 12) \div 52 = \text{£}15.22$ unpaid weekly

gross wage

31/03/2025 - March, Pay date 16/04/2025

$24h + 12h \text{ (holiday pay)} = 36h \times 13.15 = £473.40$ monthly gross wage

$(£473.40 \times 12) \div 52 = £109.20$ weekly gross wage

$£473.40 - £315.60 = £157.80$ unpaid monthly gross wage
 $(£157.80 \times 12) \div 52 = £36.40$ unpaid weekly gross wage

27/04/2025 - Mar – Apr, Pay date 14/05/2025

$36h \times 13.85 = £498.60$ monthly gross wage

$(£498.60 \times 12) \div 52 = £115.06$ weekly gross wage

$£498.60 - £486.56 = £12.04$ unpaid monthly gross wage
 $(£12.04 \times 12) \div 52 = £2.80$ unpaid weekly pay

22/06/2025 - May – Jun, Pay date 09/07/2025

$18h + 6h \text{ (sick pay)} = 24h \times 13.85 = £332.40$ monthly gross wage

$(£332.40 \times 12) \div 52 = £76.70$ weekly gross wage

$£332.40 - 249.30 = £83.10$ unpaid monthly gross wage
 $(£83.10 \times 12) \div 52 = £19.20$ unpaid weekly gross

wage

17/08/2025 -July – Aug, pay date 03/09/2025

$33h + 6h \text{ (covering)} = 39h \times 13.85 = £540.15$ monthly gross wage

$(£540.15 \times 12) \div 52 = £124.65$ weekly gross wage

$£540.15 - £457.05 = £83.10$ unpaid monthly gross

wage $(£83.10 \times 12) \div 52 = £19.20$ unpaid weekly

gross wage

15/09/2025- Aug - Sep, Pay date 01/10/25

$24h + 8h \text{ (unpaid sick pay)} = 32h \times 13.85 = £443.20$ monthly gross wage $(£443.20 \times 12) \div 52 = £102.20$ weekly gross wage

$£443.20 - £332.40 = £110.80$ unpaid monthly gross

wage $(£110.80 \times 12) \div 52 = £25.50$ unpaid weekly

gross wage

Total – £725.78