EMPLOYMENT TRIBUNALS

Claimant: **Maryam Mobayen**

Respondent: **Fairbanks Traditional Fish & Chips Limited**

Heard at: Bristol (by CVP) **On:** 05 June 2026

Before: Employment Judge Gray-Jones

Representation
Claimant: In person
Respondent: Mr. Oliver Dixon, Counsel

REASONS

1. The Respondent has requested written reasons for the judgment on liability and remedy which was given at the hearing on 05 June 2026 and sent to the parties on 30 July 2026.

Introduction

2. The matter was listed before me to determine liability and remedy following the Respondent's failure to present a response. The Claimant appeared as a litigant in person, and the Respondent was represented by Mr Oliver Dixon of Counsel.

3. The claim was presented on 20 August 2025. The Claimant's employment terminated on 02 June 2025. I am satisfied that the claim was presented within the applicable time limits.

4. The claim is for unfair dismissal and direct discrimination because of marital status and unauthorised deductions. Although the box indicating a claim for arrears of pay is not ticked in section 8.1 of the ET1 I consider that the ET1 clearly complains about allegedly unlawful wage deductions.

5. The Respondent's legal representative had emailed the Tribunal on 01 June 2026 stating that they had recently been instructed on 28 May 2026 and requesting either an extension of time to submit a Response or an adjournment of the hearing. The email stated that the Respondent believed

that the proceedings had been settled and accordingly did not file an ET3 or *"otherwise engage further with the claim."*

6. Regulation 21(2) of the Employment Tribunal Procedure Rules 2024 ("the ET Rules") provides that if an application is made for an extension of time to submit a response it must be accompanied by either a draft response or an explanation as to why it is not possible to provide a draft response. The email was not accompanied by either a draft response and nor did it contain an explanation as to why it was not possible to provide a draft response. Accordingly, there was no basis to extend time for filing the ET3 and the application was refused.

7. Following the determination of the application to extend time for the response Mr Dixon made an application to adjourn the hearing. This was likewise refused. There was no good reason put forward for the adjournment. It was not in accordance with the overriding objective to adjourn the hearing.

8. The Tribunal then determined liability and remedy. The Respondent was permitted to make submissions to a limited extent, in particular in relation to the claim for discrimination because of the protected characteristic of marital status and remedy.

Findings of Fact

9. The Claimant worked as a manager of a fish and chip shop run by the Respondent. She links her dismissal to a dispute between the owner of the business, Mr Mansour Sedaghatpanah and her husband, Mr Mehrdad Amrabadi. She started working at the shop in February/March 2019. Her gross weekly pay was £600.

10. The Claimant submitted payslips, a Schedule of Loss, a witness statement and a few further documents. After the hearing she sent some fit notes to the Tribunal but by the time these were received the judgment on remedy had been given and there was no request for reconsideration in the email. Accordingly, these fit notes have not been taken into account.

11. In her witness statement she described a dispute between her husband and Mr Sedaghatpanah which led to her husband to step back from the day to day running of the business. She described how her wages were reduced without her agreement from 20 May 2025. She described how she was informed she was being investigated as a result of potential misconduct on the part of her husband. She was then given written notice of dismissal, the notice period been 10 days, without a hearing or a right of appeal.

12. On the basis of the Claimant's statement and supporting documents I consider that I can uphold the claim for unfair dismissal. The remedy is a basic award of £3600.

13. I award the sum of £325.47 unauthorised deductions from May 2025 until termination of employment, this being the difference between the wages the Claimant should have received on 23 May 2025 and 30 May 2025 and the wages she actually received.

14. The claim for marital discrimination is based on the Claimant's allegation that she was dismissed because she was married and arose from a dispute between her husband and Mr Sedaghatpanah.

15. Marriage and civil partnership is a protected characteristic under s.8 Equality Act 2010. The burden is on Claimant to show a prima facie case that she has been subjected to discrimination because of the protected characteristic of marriage and civil partnership. I was concerned about whether the Claimant's claim and evidence indicates that the reason for treatment was not that she was married but because she was married to a certain person, namely Mr Amrabadi, with whom Mr Sedaghatpanah was in dispute. As the Employment Appeal Tribunal makes clear in **Hawkins v Atex Group Ltd [2012] IRLR 807**, the distinction is important. This decision was supported by a subsequent judgment of the EAT in **Ellis v 1) Bacon 2)Advanced Fire Solutions Ltd (In Administration) [2022] EAT 188.** The Respondent submitted that this meant that the claim could not be made out.

16. There is a decision of the EAT which takes a looser approach, namely **Dunn v Institute of Cemetery and Crematorium Management UKEAT/0531/10**. I consider **Hawkins** is probably the correct approach and if I had to choose would prefer it.

17. However, the question is what approach I should take in a hearing listed under Rule 22 of the ET Rules. There is no response. The burden is on the Claimant but she has produced evidence showing clear references to the Respondent indicating that it was treating her in a negative way because of her *"spouse".* The communications were clearly framed in terms of her being his wife. If this case came before me as an application for a strike out or deposit application I would consider that these were not appropriate. It can't be said on the basis of the material I have that there are no or little reasonable prospects. Likewise, there is no jurisdictional defence. The Respondent has failed to defend the claim and has not made a valid application for an extension of time to respond to it.

18. In these circumstances I don't consider that it is appropriate for the Tribunal to seek to argue the claim on behalf of the Respondent. As such

the claim for direct discrimination because of marital status is well-founded.

19. As far as remedy is concerned the Claimant is entitled to an award for loss of earnings and injury to feelings. Where there are claims for both discrimination and unfair dismissal appropriate to make any award for loss of earnings under the discrimination claim, as this is a more favourable approach for the Claimant.

20. I deal firstly with period of loss. The Claimant was seeking loss of earnings for a year. The Claimant's evidence on this is thin. There is no evidence of mitigation. There is a reference to a period of work for two months. I accept, however, that having employment of 6 years terminated abruptly would have been difficult for Claimant and it is unreasonable to expect her to move have moved straight into another role. Doing the best with the material that I have I consider that an appropriate period of is 5 months. This includes the balance of the Claimant's notice period. This is £10,412.13 net.

21. In relation to injury to feelings, the Claimant was seeking £25,000. There is no evidence supporting an award in the sum apart from a reference in her witness statement to the dismissal causing stress, uncertainty and financial pressure, and feeling shocked at the abrupt nature of her dismissal. It may be difficult to separate this from the disruption and distress experienced as a result of other matters in her personal life. I consider the appropriate award is £12,500, this being an award at the bottom of the middle Vento band.

22. Interest is awarded in relation to both the award for financial loss and the award for injury to feelings under the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996.

Approved by
Employment Judge D Gray-Jones

Date: 23 October 2026

REASONS SENT TO THE PARTIES ON
27 October 2026