Case Number: 3302571/2025

EMPLOYMENT TRIBUNALS

Claimant: Ms Adelina Melu
Respondent: Cofal Ltd

Heard at: Watford Employment Tribunal by CVP
On: 22 July 2026
Before: Employment Judge Alliott

Representation
Claimant: In person
Respondent: Mr Metin Cengiz (Managing Director)

JUDGMENT was sent to the parties on 7 September 2026**,** and full reasons were requested on 15 September 2026 in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

FULL REASONS

The procedural history of this case

1. The claimant presented her claim on 8 May 2025.

2. Notice of the claim was served on the respondent on 27 May 2025 and a response was due by 24 June 2025. The notice sets out that:

> "If it is not, a judgment may be issued against you."

3. On 16 June 2025 the respondent emailed the tribunal requesting a brief extension of time to submit the case form.

4. On 14 July 2025 the application for an extension of time was refused by a legal officer for two reasons:

> "• It did not state that the application had been copied to the claimant.
>
> • The application did not set out the reason why the extension was sought."

5. The rejection letter makes plain that the response should be presented by the original date that was 24 June 2025.

6. The electronic file that I have has a rejection of response letter dated 17 July

2025 stating that the response had been rejected and returned because it had not been presented by a method prescribed by the practice direction. I do not have the paper file before me today. I do not know if a form of response was sent in and Metin Cengiz could not tell me. However, that notice has the standard notification in bold as follows:-

> **"Please note that the original time limit for presenting your response has not changed. If you require an extension of time to present your response, you must apply to the tribunal in writing, setting out the reason why the extension is needed and send a copy of your application to the claimant .**
>
> **The accompanying notes entitled "Response rejection – your questions answered" explain the steps that are now open to you."**

7. The electronic case details indicate that on 24 November 2025 an ET3 was received via Dashboard and uploaded to the Documents Tab.

8. On 22 December 2025 the matter was urgently referred to an Employment Judge on the basis that the ET3 was way out of time.

9. The case details state:-

> "26.01.26 – rereferred to LO as per EJ's directions."

10. However, from the documents it would appear that on 26 January 2026 an administrative staff member referred the matter to an EJ.

11. On 2 March 2026 REJ Foxwell directed that standard letter 2.26 be sent to the respondent, standard letter 4.15 be sent to the claimant, and that the matter be listed for rule 22 hearing (liability and remedy) with SESO 2 directions.

12. The notice of liability and remedy hearing by video was sent to the parties on 17 March 2026. Case management orders required disclosure of documents by 31 March 2026. The respondent was directed to send to the tribunal a bundle in PDF format containing electronic copies of both side's documents.

13. Both sides were ordered to exchange written summaries (witness statements) by 14 April 2026.

14. The documents file does not appear to contain standard letters 2.26 and 4.15.

15. Notwithstanding that standard letter 2.26 was not sent, the respondent has attended today.

The parties compliance with tribunal rules and directions

16. The claimant told me that she sent a bundle of her documents to the respondent and had sent her witness statement on 13 April 2026. I had a copy of the claimant's witness statement. I did not have a copy of the claimant's documents as the respondent has failed to send them to the tribunal as directed.

17. The respondent has failed to present a response.

18. The respondent has failed to apply for an extension of time to present a response.

19. The respondent has failed to prepare any witness statements.

20. Notwithstanding the respondent's failures, I allowed Metin Cengiz to participate in this hearing.

The facts

21. The claimant was employed by the respondent on 1 April 2023 as a Barista.

22. The claimant became pregnant in December 2023. The claimant's MAT B1 form gave her expected week of childbirth as 1 September 2024. The claimant correctly notified the respondent of her pregnancy and her intention to take maternity leave.

23. The claimant commenced her maternity leave on 17 June 2024.

24. Tragically, at just over 36 weeks, the claimant's son was stillborn on 7 August 2024.

25. On 5 December 2024 the claimant went to the respondent's business premises in order to inform the respondent of her intention to return to work. She was unable to locate Metin Cengiz and so left a message that she wanted to return.

26. On 6 December 2024 Metin Cengiz sent a WhatsApp message to the claimant as follows:-

> "I would love to take you back but I have enough staff…Good luck with everything."

27. On 14 January 2025 the claimant contacted the respondent formally to arrange her return to work. The claimant stated:-

> "On the Gov say, after maternity leave, I am entitled to return to the same job with the adequate notice."

28. On 15 January 2025 the respondent replied:-

> "I got all my staff Adelina sorry.

29. The events of December 2024 and January 2025 were within the protected period.

30. Metin Cengiz told me that the reason for his treatment of the claimant was that, just before she started her maternity leave, whilst still working, they had a discussion and the claimant said she was not coming back to work.

31. I had evidence on oath from the claimant. I put the account of Metin Cengiz to her. The claimant denied saying those words to Metin Cengiz and said that what she actually said was that she was not sure when she was coming back.

32. The claimant attached to her claim form a letter she sent to Metin Cengiz on 17

February 2025. This raises a grievance regarding the claimant's recent dismissal from employment and complains that it was discriminatory treatment. That was prior to the claimant presenting her claim and gave a clear opportunity to the respondent to deal with the matter.

33. Metin Cengiz told me that, whilst he did not reply in writing to that letter he did have a meeting with the claimant shortly thereafter. Again, I asked the claimant about this in her evidence and she told me that Metin Cengiz told her not to involve the law and tried to explain why he had brought in another employee for her maternity leave period. The claimant denied that Metin Cengiz told her that she had resigned her employment.

34. I find that the claimant did not tell Metin Cengiz that she was not coming back to work prior to going on maternity leave. I find that the claimant did not unequivocally resign her employment. I find that had the claimant resigned the initial WhatsApp messages from Metin Cengiz in December 2024 would have said so in order to justify why she could not have her job back. Instead he merely referenced that he had enough staff.

35. Consequently, I find that there was a failure to allow the claimant to return from maternity leave and that that is an automatically unfair dismissal and discrimination on the grounds of pregnancy and maternity. Although the claimant did not tick the sex discrimination box, in my judgment, no prejudice will be made to the respondent by finding that it was also an act of sex discrimination also.

Remedy

36. In her witness statement the claimant references that the conduct of the respondent has been devastating. She states:-

> "To be denied my employment and financial security while enduring the profound trauma of a stillbirth has caused me a level of distress that is difficult to express in words."

37. The claimant gave oral evidence to the same effect.

38. I find that the claimant's feelings have been injured.

39. I have taken into account the general principles articulated in the case of HM Prison Service and others v Johnson [1997] ICR 275, EAT, where in the EAT summarised the general principles that underlie awards for injury to feelings:-

> "• Awards for injury to feelings are designed to compensate the injured party fully but not to punish the guilty party.
>
> • An award should not be inflated by feelings of indignation at the guilty party's conduct.
>
> • Awards should not be so low as to dimmish respect for the policy of discrimination legislation. On the other hand, awards should not be so excessive that they might be regarded as untaxed riches.

- Awards should be broadly similar to the range of awards in personal injury cases.
- Tribunals should bear in mind the value in everyday life of the sum they are contemplating, and
- Tribunal's should bear in mind the need for public respect for the level of awards made."

40. I have taken into account the following matters.

    - The discrimination involves the loss of the claimant's job.
    - The discriminatory conduct was at a time when the claimant was particularly vulnerable following the tragic stillbirth of her son.
    - Although I did not have details of the loss, the claimant told me that she was not able to find a permanent job for six months and that she was not on state benefits.
    - The effect on the claimant was clearly quite significant.

41. In my judgment, an appropriate award would be towards the top of the lower bracket of the relevant Vento guidelines. In my judgment, the award should be £10,000. Such an award would be broadly similar to quite a serious personal injury, would maintain the need for public respect and the value in everyday life equates to over six months net earnings.

42. Had the claimant served eight weeks' notice to return to work she would have returned to work on 1 February 2025. I award interest at 8% per annum from that date. 1 February 2025 – 22 July 2026 is 1 year 172 days. That equates to 11.77% and I award £1,177 interest.

43. The claimant has provided no evidence in her claim form, witness statement, or the documents she has disclosed in support, of any other claim including loss of earnings. Although the claimant told me that she had not worked for six months she agreed that she had done some work at Pret a Manger in April 2025. In the circumstances, I decided that the claimant has not proved any other losses.

Approved by:

Employment Judge Alliott

Date: 22 October 2026

SENT TO THE PARTIES ON
2 November 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full reasons for the judgments are published, in full, online at *https://www.gov.uk/employment-tribunal-decisions* shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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: www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/