

Case Number: 1600228/2018, 1600229/2018, 1600230/2018, 1600231/2018,
1600232/2018, 1600233/2018, 1600234/2018, 1600235/2018, 1600236/2018,
1600237/2018, 1600238/2018, 1600239/2018, 1600240/2018, 1600241/2018,
1600242/2018, 1600243/2018, 1600244/2018, 1600245/2018, 1600246/2018,
1600247/2018, 1600248/2018, 1600249/2018, 1600250/2018, 1600251/2018 &
1600252/21018



EMPLOYMENT TRIBUNALS

Claimants:

- Ms E Evans
- Mr D Dwivedi
- Miss T Cummins
- Ms A Singh
- Miss M Iacoviello
- Mr D Codes Casro
- Miss AR Militello
- Mr RB Militello
- Mr MM Garcia
- Miss S Gakunga
- Miss FJ Bowes
- Miss P Brezinova
- Mr C Somsandaram
- Mr K Sapkota
- Mrs N Sapkota-Pandey
- Mrs BM Gurung
- Mr J Singh
- Mr DK Stefanov
- Mr PI Petrov
- Mr A Teixeira
- Mr M Krithi
- Mr J Ismail
- Mr R Nath
- Mr G Baltac

Respondent: Happy Dining Ltd t/a Fed

Heard at: Cardiff Civil Justice Centre **On:** 28 September 2018

Before: Employment Judge C K Sharp
(sitting alone)

Representation:

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Claimant: Ms E Evans (claimant in person and on behalf of the others)
Respondent: Not in attendance

JUDGMENT

1. Ms E Evans' claim of unfair dismissal is well founded and the respondent is ordered to pay £1,138.98 for the basic award and £1,077.52 for the compensatory award;
2. Ms E Evans' claim for notice pay is well founded but no compensation will be paid due to the successful unfair dismissal claim;
3. Ms E Evans' claim for unpaid wages is well founded and the respondent is ordered to pay £1,124.00;
4. Ms E Evans' claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £13.39;
5. Mr Dwivedi's claim of unfair dismissal is well founded and the respondent is ordered to pay £1,045.38 for the basic award and £1,555.82 for the compensatory award;
6. Mr Dwivedi's claim for notice pay is well founded but no compensation will be paid due to the successful unfair dismissal claim;
7. Mr Dwivedi's claim for unpaid wages is well founded and the respondent is ordered to pay £1,045.38;
8. Mr Dwivedi's for unpaid accrued annual leave is well founded and the respondent is ordered to pay £13.32;
9. Miss Cummins' claim of unfair dismissal is well founded and the respondent is ordered to pay £389.07 for the basic award and £765.17 for the compensatory award;
10. Miss Cummins' claim for notice pay is well founded but no compensation will be paid due to the successful unfair dismissal claim;
11. Miss Cummins' claim for unpaid wages is well founded and the respondent is ordered to pay £427.50;

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12. Miss Cummins' claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £4.58;
13. Mr A Singh's claim of unfair dismissal is dismissed due to insufficient service;
14. Mr A Singh's claim for notice pay is well founded and the respondent is ordered to pay £500;
15. Mr A Singh's claim for unpaid wages is well founded and the respondent is ordered to pay £1,500.00;
16. Mr A Singh's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £17.64;
17. Miss Iacoviello's claim of unfair dismissal is dismissed due to insufficient service;
18. Miss Iacoviello's claim for notice pay is well founded and the respondent is ordered to pay £259.77;
19. Miss Iacoviello's claim for unpaid wages is well founded and the respondent is ordered to pay £851.25;
20. Miss Iacoviello's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £9.16;
21. Mr Codes Castro's claim of unfair dismissal is dismissed due to insufficient service;
22. Mr Codes Castro's claim for notice pay is well founded and the respondent is ordered to pay £260.00;
23. Mr Codes Castro's claim for unpaid wages is well founded and the respondent is ordered to pay £705.00;
24. Mr Codes Castro's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £9.17;
25. Miss AR Militello's claim of unfair dismissal is dismissed due to insufficient service;
26. Miss AR Militello's claim for notice pay is well founded and the respondent is ordered to pay £235.31;

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27. Miss AR Militello's claim for unpaid wages is well founded and the respondent is ordered to pay £592.50;
28. Miss AR Militello's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £8.30;
29. Mr RB Militello's claim of unfair dismissal is dismissed due to lack of evidence about service;
30. Mr RB Militello's claim for notice pay is dismissed due to lack of evidence about service;
31. Mr RB Militello's claim for unpaid wages is well founded and the respondent is ordered to pay £1,149.15;
32. Mr RB Militello's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £10.09;
33. Mr Garcia's claim of unfair dismissal is dismissed due to insufficient service;
34. Mr Garcia's claim for notice pay is well founded and the respondent is ordered to pay £285.00;
35. Mr Garcia's claim for unpaid wages is well founded and the respondent is ordered to pay £862.50;
36. Mr Garcia's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £10.05;
37. Miss Gakunga's claim of unfair dismissal is dismissed due to insufficient service;
38. Miss Gakunga's claim for notice pay is well founded and the respondent is ordered to pay £75.60;
39. Miss Gakunga's claim for unpaid wages is well founded and the respondent is ordered to pay £212.80;
40. Miss Gakunga's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £4.45;
41. Miss Bowes' claim of unfair dismissal is dismissed due to insufficient service;

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42. Miss Bowes' claim for notice pay is well founded and the respondent is ordered to pay £163.21;
43. Miss Bowes' claim for unpaid wages is well founded and the respondent is ordered to pay £266.25;
44. Miss Bowes' claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £5.75;
45. Miss Brezinova's claim of unfair dismissal is dismissed due to insufficient service;
46. Miss Brezinova's claim for notice pay is dismissed due to lack of evidence about service;
47. Miss Brezinova's claim for unpaid wages is well founded and the respondent is ordered to pay £213.75;
48. Miss Brezinova's claim for unpaid accrued annual leave is dismissed due to lack of evidence;
49. Mr Somosandaram's claim of unfair dismissal is dismissed due to insufficient service;
50. Mr Somosandaram's claim for notice pay is well founded and the respondent is ordered to pay £431.50;
51. Mr Somosandaram's claim for unpaid wages is well founded and the respondent is ordered to pay £1,294.50;
52. Mr Somosandaram's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £15.22;
53. Mr Sapkota's claim of unfair dismissal is dismissed due to insufficient service;
54. Mr Sapkota's claim for notice pay is well founded and the respondent is ordered to pay £400.50;
55. Mr Sapkota's claim for unpaid wages is well founded and the respondent is ordered to pay £1,201.50;

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56. Mr Sapkota's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £14.13;
57. Mrs Sapkota-Pandey's claim of unfair dismissal is dismissed due to insufficient service;
58. Mrs Sapkota-Pandey's claim claim for notice pay is well founded and the respondent is ordered to pay £281.25;
59. Mrs Sapkota-Pandey's claim for unpaid wages is well founded and the respondent is ordered to pay £1,125.00;
60. Mrs Sapkota-Pandey's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £9.92;
61. Mrs Gurung's claims of unfair dismissal, notice pay, unpaid wages and unpaid accrued holiday pay are dismissed due to insufficient evidence;
62. Mr J Singh's claim of unfair dismissal is dismissed due to insufficient service;
63. Mr J Singh's claim for notice pay is well founded and the respondent is ordered to pay £350.00;
64. Mr J Singh's claim for unpaid wages is well founded and the respondent is ordered to pay £1,050.00;
65. Mr J Singh's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £12.35;
66. Mr Stefanov's claim of unfair dismissal is dismissed due to insufficient service;
67. Mr Stefanov's claim for notice pay is well founded and the respondent is ordered to pay £262.50;
68. Mr Stefanov's claim for unpaid wages is well founded and the respondent is ordered to pay £1,125.00;
69. Mr Stefanov's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £9.26;
70. Mr Petrov's claims of unfair dismissal, notice pay, unpaid wages and unpaid accrued holiday pay are dismissed due to insufficient evidence;

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71. Mr Teixeira's claim of unfair dismissal is dismissed due to insufficient service;
72. Mr Teixeira's claim for notice pay is well founded and the respondent is ordered to pay £375.00;
73. Mr Teixeira's claim for unpaid wages is well founded and the respondent is ordered to pay £1,125.00;
74. Mr Teixeira's claim for unpaid accrued annual leave is well founded and the respondent is ordered to pay £13.23;
75. Mr Krithi's claims of unfair dismissal, notice pay, unpaid wages and unpaid accrued holiday pay are dismissed due to insufficient evidence;
76. Mr Ismail's claims of unfair dismissal, notice pay, unpaid wages and unpaid accrued holiday pay are dismissed due to insufficient evidence;
77. Mr Nath's claims of unfair dismissal, notice pay, unpaid wages and unpaid accrued holiday pay are dismissed due to insufficient evidence;
78. Mr Baltac's claims of unfair dismissal, notice pay, unpaid wages and unpaid accrued holiday pay are dismissed due to insufficient evidence.
79. The recoupment provisions apply to the unfair dismissal claims brought by Ms E Evans, Mr Dwivedi, and Miss Cummins.

Employment Judge C K Sharp
Dated: 28 September 2018

JUDGMENT SENT TO THE PARTIES ON

9 October 2018

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record

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is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.