



THE EMPLOYMENT TRIBUNALS

Claimant
Ms Raluca Adina Avram

Respondent
Adam and Amin Ltd

AT NEWCASTLE
EMPLOYMENT JUDGE GARNON

On 3 August 2020

JUDGMENT (Liability and Remedy)

Employment Tribunals Rules of Procedure 2013 –Rule 21

1. The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant £ 355 gross of tax and National Insurance (NI).
2. The claim for compensation for untaken annual leave is well founded. I order the respondent to pay compensation to the claimant of £ 115 gross of tax and NI

REASONS

1. The claim, presented on 3 March 2020, was served by post to a trading address of the respondent on 27 March. Companies may be validly served at such addresses. A response was due by 24 April but none was received. An Employment Judge is required by Rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if so, obliged to issue a judgment which may determine liability and remedy. On 27 April Employment Judge Arullendran, doubtless concerned the notice of claim may not have been seen at the trading address, a restaurant probably closed due to the Covid 19 pandemic, ordered the claim be re-sent to the respondent's registered office which it was on 18 May. A response was now due by 15 June but again none was received. On 17 June Employment Judge Sweeney ordered further information from the claimant as to the amounts she claimed by way of unpaid wages and holiday pay. She replied on 21 June.
2. Although the Tribunal has been contacted by a Ms Karen Grey who signs her emails "Senior Administrator/HR" no response form or application to lodge one late has been received. I now have sufficient to enable me to find the claims proved on balance of probability and determine sums to be awarded. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 and that relating to compensation for untaken annual leave is in The Working Time Regulations 1998.

Employment Judge T.M. Garnon

Judgment authorised by the Employment Judge on 3 August 2020