



EMPLOYMENT TRIBUNALS

Claimant: Ms Rianna York

Respondent: Chase PR & Social Media Limited

Heard at: London South by CVP **On:** 19 October 2021

Before: Employment Judge Jones QC

Appearances:

For the claimant: In person.

For the respondent: No attendance

JUDGMENT

1. There was no unlawful deduction.
2. The Respondent wrongfully dismissed the Claimant.
3. The Respondent shall pay to the Claimant £1584.06.

REASONS

1. The Claimant commenced proceedings on 5 May 2020. No notice of appearance has been filed.
2. The case was originally listed for hearing in April 2021. Mr Donegan contacted the Tribunal on behalf of the Respondent and asked for the claim form to be re-served at the company's registered address. An order for re-service was made on 14 June 2021 by Employment Judge Sage.
3. The case came on for hearing on 19 October 2021. The Respondent was not represented at the hearing. Nor were any submissions made in writing. I heard evidence from Ms York who, having been affirmed, confirmed the truthfulness of the contents of her ET1. She also confirmed to me that she had not obtained any work since her employment terminated. The essential facts are as follows:

- (1) The Claimant formerly worked for Chase PR & Social Media Limited;

- (2) The Claimant's gross monthly salary was £1916, which equates to £62.99 per day;
 - (3) The Claimant's net monthly salary was £1541, which equates to £50.69 per day;
 - (4) The Claimant was paid monthly in arrears on 28 of each month;
 - (5) On 17 March 2020, the Claimant gave notice of termination of her contract to expire on 14 April 2020;
 - (6) On 20 March 2020, the Respondent summarily dismissed her;
 - (7) On 28 March 2020, the Respondent paid the Claimant net salary of £1119.90;
 - (8) No other payment was made to the Claimant;
 - (9) The Claimant had no other earnings during what would have been her notice period.
4. On 28 March 2020, the Claimant was due to be paid for the period 28 February to 20 March 2020 inclusive. That was a period of 21 days. Using a daily rate of £50.69 per day, that would be a net sum of £1115.18. Since the Claimant received £1119, she was not underpaid and the unlawful deduction claim fails.
 5. Had she not been summarily dismissed on 20 March 2020, she would have worked from 21 March to 14 April 2020 inclusive. That would have been a period of 25 days. Her loss is, therefore, £1267.25. Since that figure will be taxable at basic rate, it needs to be grossed up. I have done that by adding a further 20%. That results in a final figure of £1584.06.
 6. In the course of the oral hearing, I had approached the case on the basis that the period through to 28 March 2020 should be taken into account in assessing whether or not there had been an unlawful deduction. On reflection, it seems to me that that cannot be right as the Claimant accepts that her employment came to an end on 20 March 2020. I have, therefore, reviewed my earlier decision of my own motion. In practice, the amount payable to the Claimant is not materially different on either approach, but the approach taken in these reasons is, I consider, the correct one.

Employment Judge Jones QC

19 October 2021