



EMPLOYMENT TRIBUNALS

Claimant: Ms F Nunes

Respondent: LS + Partners Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL (RULE 21 EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2013)

HELD AT: LONDON CENTRAL (BY CVP)

On: 7 February 2024

Employment Judge: Employment Judge Henderson (sitting alone)

Appearances

For the claimant: In Person

For the respondent: No attendance – No response presented.

Interpreter: Ms A Probert (Portuguese)

JUDGMENT

1. No response having been presented and having being given relevant information and evidence from the claimant, the Tribunal makes this Judgment under Rule 21 of the Tribunal Rules of Procedure.
2. The respondent shall pay the claimant the total sum of £10,0075 being money owed for unpaid wages from August to 16 November 2023 and accrued but untaken holiday pay. This award is made Gross and the respondent must account to HMRC for income tax and National Insurance Contributions payable on this amount.

The sum is made up as follows:

£1000 unpaid wages for August 2023

£2750 unpaid wages per month for each of September and October 2023

£1375 unpaid wages for 1-16 November 2023
£2200 for 16 days accrued but untaken holiday pay (17 May -16 November 2023) payable at a daily rate of £137.50.

REASONS

1. The claimant was employed by the respondent as a Specialised Architect commencing on 17 May 2023.
2. Her annual salary was £33,000, which was a monthly gross payment of £2750. Her normal net pay per month was £2371.76.
3. The claimant was paid normally for May, June and July 2023. However, in August 2023 she was paid £1000 less than normal, receiving only £1371.76 in her bank account for that month.
4. On 13 September Antonio Farnesi (the owner of the respondent) told her he “could not afford her” but that she could stay in employment until she found another job. However, he did not pay her for September or October. The claimant resigned on 16 November 2023 as the respondent would not deal with her requests for her outstanding salary. The claimant also said that although she had requested this, the respondent had not issued her P45 tax form. I explained that the Employment Tribunal did not have the power to order the respondent to send this to the claimant, but it would be good practice for them to do so.
5. The claimant referred to her contract of employment which gave her 28 days holiday per year and usual Bank Holidays. The claimant had been in employment for 6 months (17 May -16 November) so was entitled to 14 days plus 2 bank holidays over that period, making a total of 16 days’ holiday entitlement. The claimant said that she had not taken any holiday and so was owed the full amount.
6. The Tribunal made the award of £10,0075 as calculated above. It was explained to the claimant that this was a Gross sum and that income tax and National Insurance Contributions would have to be deducted from that amount.

Conduct of the Hearing

7. The claimant gave her evidence on oath (affirmation) and presented some documents: contract of employment and sample payslips, messages chasing payment. The claimant was assisted by Ms Probert (a Court-appointed interpreter in Portuguese) especially with technical terms and legal language.
8. The respondent had not presented a response, despite having indicated that it would do so by 2 February 2023. I initiated a search in the Employment

Tribunal Inbox to check if any response had been received, before commencing the hearing.

Employment Judge Henderson

JUDGMENT SIGNED ON: 7 February 2024

JUDGMENT SENT TO THE PARTIES ON

...13 February 2024.....

AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>