



# EMPLOYMENT TRIBUNALS TELEPHONE HEARING

**Claimant:** Miss F Florescu

**Respondent:** F&H Coffee Limited

**HELD AT:** Sheffield

**ON:** 22 May 2020

**BEFORE:** Employment Judge Little

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No attendance or appearance (no response presented)

## JUDGMENT

### Pursuant to Employment Tribunal's Rules of Procedure 2013 Rule 21

1. Judgment is entered for the claimant in respect of her complaints of wrongful dismissal; unauthorised deduction from wages and in respect of holiday pay.
2. In respect of wrongful dismissal, the claimant is awarded damages representing one week's pay in the amount of £369.23.
3. The claimant was not paid for the period 22 January 2020 to 4 February 2020, a period of two weeks at £369.23 per week. Accordingly, the unauthorised deduction by non-payment was £738.46.
4. The claimant is entitled to a payment in lieu of accrued but untaken holiday in the amount of £200.
5. The total award to the claimant is £1307.69 and the respondent is to pay that to the claimant forthwith.

6. The complaints in respect of unfair dismissal and for statutory redundancy pay are dismissed.

## REASONS

1. The respondent has failed to present a response to this claim and accordingly it is appropriate to enter Judgment under the provisions of Rule 21 of the Employment Tribunals Rules of Procedure 2013.
2. There was insufficient information contained within the claim form for remedy to be assessed without a hearing. At today's telephone hearing the claimant has provided me with the necessary information with regard to her week's pay, the periods for which she was not paid and in respect of what she claims for holiday pay.
3. Although the claimant made a complaint in respect of unfair dismissal and for a redundancy payment I am not able to entertain those two complaints. The claimant was only employed for six months and accordingly did not have the right not to be unfairly dismissed. I noted that in her claim form the claimant referred to being pregnant at the date of dismissal. However, she has candidly accepted today that the respondent would have had no knowledge of that. In those circumstances the claimant cannot pursue a complaint for automatically unfair dismissal, where no particular length of service would be required. I am not able to entertain the claim for a statutory redundancy payment for two reasons. First the claimant did not have sufficient length of service but in any event there is no suggestion that she was dismissed because of redundancy. Instead she was apparently dismissed because she took time off when ill.

Employment Judge Little  
Date 26<sup>th</sup> May 2020