



EMPLOYMENT TRIBUNALS

Claimant: Mrs SLT Sun Chung
Respondent: Wok to Go Ltd.
Heard on: Video (CVP) **On:** 15 February 2022
Before: Employment Judge S Evans (sitting alone)

Representation

Claimant: in person
Respondent: no attendance and not represented

JUDGMENT

The following claims are well-founded and succeed:

- 1) Unfair dismissal;
- 2) Entitlement to a statutory redundancy payment;
- 3) Unlawful deduction from wages;
- 4) Breach of contract;
- 5) Entitlement to pay for accrued and untaken annual leave.

The respondent is ordered to pay the claimant the total sum of £4335.93 (wrongly stated as £4129.15 in the oral judgment), made up of the elements set out below.

The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply to this award.

1. Details

Date of birth of claimant	24/06/1961
Date started employment	29/01/2019
Effective Date of Termination (EDT)	08/03/2021
Period of continuous service (years)	2
Age at EDT	59
Gross weekly pay at EDT (actual)(24 hours)	204.00
Gross annual pay at EDT	10,608.00
Gross weekly national living wage at EDT	209.28
Gross annual national living wage at EDT	10,882.56

2. Unfair Dismissal**Basic award**

Basic award	627.84
Number of qualifying weeks (2) x Gross weekly pay (209.28) x Age multiplier (1.5)	
Total basic award	627.84

Compensatory award (immediate loss)

Loss of gross earnings	2720.64
Number of weeks (13) x Gross weekly pay (209.28)	
Plus loss of statutory rights	420.00
Total compensation (immediate loss)	3140.64

3. Redundancy

The statutory redundancy payment is extinguished by the basic award for unfair dismissal.

4. Notice pay

2 weeks' pay at £209.28 is extinguished by the compensatory award for unfair dismissal.

5. Annual leave

14.4 hours accrued and untaken 29/01/2021 to 08/03/2021	125.57
Total annual leave accrued and untaken	125.57

6. Unlawful deduction from wages

The claimant was on furlough and entitled to 80% of the national living wage from 01/04/20 to 08/03/2021: 49 weeks

24 hours x £8.72 x 80% = 167.42 x 49 weeks	8203.58
Less the amount paid in wages	7930.26

Total unlawful deduction	273.32
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7. Failure to provide a written statement of particulars of employment under s.1 Employment Rights Act 1996

2 weeks' gross pay at £209.28	418.56
Total failure to provide written statement	418.56

8. Summary totals

Basic Award	627.84
Compensatory Award	3140.64
Annual leave	125.57
Unlawful Deduction	273.32
Failure to provide s.1 statement	418.56
Less Payment made by respondent 19/03/2021	(250.00)
Total Award	4335.93

Employment Judge **S. Evans**

Date 18 February 2022

JUDGMENT SENT TO THE PARTIES ON 21 February 2022

FOR THE TRIBUNAL OFFICE Mr N Roche

NOTE: Reasons were given orally at the hearing. In accordance with Rule 62 (3) of the Employment Tribunal Rules of Procedure 2013, no written reasons will be provided unless requested by a party at the hearing or in writing within 14 days of sending the written record of the decision.