



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms G.V. Roberts

**Respondent:** Mr Michael Sasmaz t/a Aran Fish & Chips Shop ("R1")  
Sangur Ltd ("R2")

**HELD AT:** Mold **ON:** 14<sup>th</sup> January 2020

**BEFORE:** Employment Judge T. Vincent Ryan

## REPRESENTATION:

**Claimant:** Ms Roberts represented herself

**Respondent:**

# JUDGMENT

The judgment and declaration of the Tribunal is:

1. The claimant was employed by R1 from June 2017 until her summary dismissal on 28<sup>th</sup> March 2018, following a TUPE transfer of her contract of employment from Coedmor Foods Ltd such that her continuous employment commenced on 19<sup>th</sup> September 2016;
2. R2 was dissolved on 9<sup>th</sup> April 2019 and was not the claimant's employer in any event. Whilst R2 is officially dismissed from these proceedings, technically it is no longer a legal entity in any event.

3. Unfair Dismissal:

3.1 The claimant was unfairly dismissed by R1 for asserting the statutory rights to receive a written statement of employment particulars, itemised pay statements and not to suffer unauthorised deductions from her wages (and is therefore entitled to protection against unfair dismissal notwithstanding that she was employed for less than two years).

3.2 R1 shall pay to the claimant the following sums in relation to her unfair dismissal:

3.2.1 Basic Award: £540.00

3.2.2 Compensatory Award:

3.2.2.1 Losses to date:

3.2.2.1.1 4 weeks' X £360 £1,440.00

3.2.2.1.2 26 weeks' X £57 £1,482.00  
(representing a pay differential of  
£57 per week 25.04.18 –  
24.10.18).

3.2.2.1.3 Sub-total subject to payment of  
tax/NIC £3,462.00

3.2.3 ACAS uplift 25% £ 865.50

3.2.4 Total **£4,327.50**  
subject to payment of tax/NIC

3.2.5 Recoupment does not apply.

4. Wrongful Dismissal:

4.1 R1 breached the claimant's contract by dismissing her without notice.

4.2 R1 shall pay the claimant **£360.00** (one week's wages) in damages,  
subject to payment of tax/NIC.

5. Unauthorised deductions from wages:

5.1 R1 made unauthorised deductions from the claimant's wages in the  
sum of £3,833.64;

5.2 R1 shall pay to the claimant **£3,833.64** in respect of those deductions,  
subject to payment of tax/NIC.

6 Failure to provide statement of employment particulars:

6.1 R1 failed to provide the claimant with such a statement despite her  
repeated requests.

6.2 R1 shall pay to the claimant **£1,440** in respect of this claim, being 4  
week's wages.

7 Failure to provide itemised pay statements:

7.1 R1 failed to provide itemised pay statements to the claimant despite  
her repeated requests;

7.2 There is no evidence of any deductions for tax and National Insurance Contributions having been made and in view of the judgment at paragraph 5 above no further award is made in relation to this claim.

- 8 Summary: In consequence of the above R1 shall pay to the claimant **£9,961.14** subject to deductions in respect of tax and NIC as appropriate.

Employment Judge T.V. Ryan

Date: 14.01.20

JUDGMENT SENT TO THE PARTIES ON 15 January 2020

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.