



THE EMPLOYMENT TRIBUNALS

Claimant: Miss E Fletcher

Respondent: Webworks Internet UK Limited

Heard at: Teesside Justice Hearing Centre **On:** Tuesday 17th December 2019

Before: Employment Judge B N Speker OBE DL

Members:

Representation:

Claimant: In Person

Respondent: No attendance

JUDGMENT

Upon hearing the claimant in person and upon the respondent having admitted the money claims it is ordered as follows:-

1. The claimant has suffered unauthorised deduction of pay and the respondent shall pay to the claimant the sum of £353.85 in respect of wages and £150.00 in respect of commission, a total of £503.85.
2. The respondent shall pay to the claimant accrued annual leave payments (holiday pay) in the sum of £145.54.
3. The respondent shall pay to the claimant notice pay in the sum of £442.30.
4. The respondent shall pay to the claimant expenses of £96.20 incurred in relation to her attendance at the Tribunal hearing on 18th November 2019 under rule 76 1c of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

The total sums to be paid by the respondent to the claimant amount to £1,187.89.

REASONS

1. The claimant brought claims to the Tribunal in relation to unpaid wages and commission, holiday pay and notice pay.
2. The respondent had filed a response denying the claims but had not given particulars of why the amounts claimed were not due.
3. The case was listed for hearing on 18th November 2019 at the Employment Tribunal in Middlesbrough and came before Employment Judge Aspden. The claimant attended but the respondent did not. On the morning of that hearing a telephone call had been made to the Tribunal by a person on behalf of the respondent company to say that the individual who was to attend the Tribunal had a "sickness bug" and there was no-one else that could attend. Written confirmation was requested. An e-mail was received at the Tribunal at 9.25am repeating that no-one could attend from the company and asking for a postponement. Employment Judge Aspden having considered the matter granted the postponement and the case was to be reheard today. In the orders made at 1.3 it was stated that the Employment Judge considering the case would decide whether to make a costs order or preparation time order against the respondent under rule 76 1c of the Employment Tribunals Rules of Procedure as to the hearing on 18th November 2019.
4. On the morning of today's hearing 17th December an e-mail was received at the Tribunal at 9.17am from Mr Gerard Brogan Customer Service Manager stating that the respondent was willing to pay the claimant the sums claimed for wages, holiday pay, notice of termination and commission. This was communicated to the claimant and she was told that a judgment could be made on this basis without her attendance. The claimant stated that she wished to attend because she proposed to proceed with an application for "expenses" in relation to the previous hearing on 18th November 2019.
5. Miss Fletcher therefore attended in person and confirmed that the amount set out in the claim form for wages £353.85, commission £150.00, holiday pay £141.54 and notice pay £442.30 (total £1,087.69) were the sums which she wished to claim. She explained that she had attended on the morning of 18th November 2019 expecting the case to go ahead on that day. For this purpose she had taken the full day off work and had lost a day's pay and had also incurred travelling expenses and parking fees which she had drawn to the attention of Employment Judge Aspden on 18th November. She wished to claim these. No claim was made in relation to expenses in attending the Tribunal today. The sums involved were as follows: one day's pay £81.60, mileage £12.60, parking £2.00, total £96.20.
6. In view of the fact that the postponement requested by the respondent and granted on 18th November was made less than seven days before the date of the hearing, a costs order or preparation order may be made under rule 76 1c. It is also appropriate, bearing in mind the lateness of that postponement application and the lack of any supportive evidence about it, to reimburse to the claimant the

sums which she incurred in attending the Tribunal on that day. For this reason in addition to the judgment for the financial claims put forward there will also be judgment for the said sum of £96.20. This brings the total monies to be paid by the respondent to the claimant to the sum of £1,187.89. The claimant queries terms of payment and it was explained that the sum ordered can be enforced by her through the county court as a county court judgment.

EMPLOYMENT JUDGE SPEKER OBE DL

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 2 January 2020**

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