



# THE EMPLOYMENT TRIBUNALS

**BETWEEN**

**Ms Aleksandra Osuchowska**

*Claimant*

**AND**

**Mr Emad Ali trading as Launderette Centre**

*Respondent*

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT:** London Central

**ON:** 2 November 2017

**EMPLOYMENT JUDGE:** Mr Paul Stewart

**MEMBERS:** sitting alone

### ***Appearances:***

**For Claimant:** in person

**For Respondents:** did not appear and was not represented

### **JUDGMENT**

The Respondent is ordered to pay the Claimant a total of £1,271.40 gross comprising £709.80 unpaid wages and £561.60 for 9 days' pay in lieu of holiday but not taken.

### **REASONS**

1. The Respondent did not appear and was not represented. I heard from the Claimant who provided her evidence in the form of her written witness statement dated 30 June 2017.
2. I also heard from Mr Thomas Henri, the person who was the principal shareholder and owner of The Launderette Centre Limited, which company sold both the lease of the premises from which he ran a launderette business at 5 Porchester Road, London W2 5DP and the business to the Respondent on 9 September 2016.
3. The Respondent had, at previous hearings, produced a letter purporting to be signed by Mr Henri. This letter, dated 4 September 2016, contained the following third paragraph:

“Also I can confirm that all the staffs at The Launderette Centre including Aleksandra Osuchowska, (3 other names given) have used their holiday entitlements for year 2016”.

4. The Respondent had relied on this letter as justification for his approach to the claim by the Claimant of holiday money that was outstanding, that approach being to deny the claim on the basis that her holiday entitlement for 2016 had been exhausted by the time he took over the store.
5. Mr Henri admitted that the signature on the letter bore a good resemblance to his signature and he acknowledged that it could be a copy of his signature. However, he asserted he did not write the letter and that the Respondent had produced the letter making use of Mr Henri’s scanned signature which would have been available to him from the sale documents.
6. Mr Henri pointed out that he was of Australian origin with English being his mother tongue. Thus, he would not have used the plural “staffs” to denote the collective noun describing the personnel working in the business. He pointed out that the Respondent used the plural “staffs” in other emails sent to him which he produced before me. Indeed, I note that the Respondent used that word in his witness statement of 26 May 2017 in paragraphs 15 and 16.
7. Additionally, Mr Henri pointed out that the letter heading does not show his VAT registration details: he had become VAT registered on 1 December 2013 and thereafter his letter contained his VAT registration number at the bottom of the letter as part of the footer.
8. In the circumstances, I could not accept as genuine the letter dated 4 September 2016 that the absent Respondent had produced on a previous occasion. I was satisfied that the Claimant had not used up her holiday entitlement ahead of the transfer of the launderette business to the Respondent.
9. I was further satisfied that, as the sale documents for the lease and the business had specified that the person to whom Mr Henri’s company was selling both the lease and the business was the Respondent, that the correct Respondent was Mr Emad Ali trading as Launderette Centre.
10. This I find the Respondent owes the Claimant a total of £1,271.40 gross comprising £709.80 unpaid wages and £561.60 for 9 days’ pay in lieu of holiday but not taken. I thus order him to pay the same to the Claimant.

**EMPLOYMENT JUDGE Stewart On: 2 November 2017**