



EMPLOYMENT TRIBUNALS

Claimant: Ms Y Lamoso Portansany

Respondents: (1) Ingrid Kraftchenko
(2) Ingrid Kraftchenko Ltd.

Heard at: East London Hearing Centre (by telephone)

On: 21 December 2021

Before: Employment Judge Mr J S Burns

Representation
Claimant: Ms I Brown (Union rep)
Respondents: Ms Ingrid Kraftchenko

JUDGMENT

1. The First Respondent's informal application for an extension of time for presenting her response is dismissed.
2. The First Respondent shall pay the Claimant £700 by 31/12/2021
3. The claim against the Second Respondent is dismissed.

REASONS

1. The claim was for £700 wages due to the Claimant for seamstress work done in February 21.
2. No ET3 was served in time (it was due on 24/8/21). The First Respondent filed on the day of the hearing (21/12/21), and just before it was due to start at 10am, a draft ET3 which stated that the Claimant had been paid the £700 by "telephone banking" on 23/3/21 and attaching a claimed Natwest transaction detail purporting to show this.

3. I adjourned the hearing for 30 minutes so the Claimant could check her bank statements and if appropriate send them to me. The Claimant duly sent me her Barclays bank statements for the period 12/2/21 - 9/4/21 inclusive which showed no such payment had been made to that account.
4. When I resumed the hearing the First Respondent said she had not received the ET1 when it was originally served. She gave me vague answers when I asked her when she first became aware of the proceedings. Ms Brown informed me that on 29/10/21 the First Respondent emailed the tribunal at which point she was arguing that the Claimant was paid in cash not by bank transfer (ie advancing a defence which is inconsistent with her latest version). Furthermore, the ET1 was re-served on the First Respondent on 3/12/21 and received by her that day. The First Respondent has plainly been aware of these proceedings and known what they were about since 29/10/21 at the latest and probably earlier but has waited until today to make an appearance and send in a draft ET3 and claimed evidence. I am not satisfied by her explanations and refuse to extend time for the ET3 to be filed.
5. I proceeded under Rule 21, considering the ET1 and the Claimant's witness statement and the bank information referred to above.
6. I also looked at the Companies House website which confirms that the Second Respondent was incorporated only on 24/3/2021. Hence the First Respondent only was the employer of the Claimant who was employed as a seamstress for a period of 7 days between 11-19 February 2021 at the rate of £100 per day. I am satisfied on a balance of probabilities that the Claimant is due £700 and judgment is entered accordingly against the First Respondent.

Employment Judge J S Burns
Dated: 22 December 2021