



EMPLOYMENT TRIBUNALS

Claimant: Mr B Ewens-Sturdy

Respondent: Stopforth Taverns Ltd

Employment Judge Tom Ryan

RECONSIDERATION JUDGMENT

1. The judgment sent to the parties on 23 March 2017 is revoked upon reconsideration.
2. The claimant's complaint of unauthorised deductions from wages will be considered at a hearing.

REASONS

1. The hearing of this claim was listed for 23 March 2017. Neither party attended. The claim was dismissed for the reasons set out in the judgment sent to the parties on 29 March 2017.
2. On 5 April 2017 the claimant wrote to the tribunal saying that he had not been able to get to the hearing because he did not drive and his mother had gone away on holiday and asking that the judge "have another look at it please."
3. At my direction the tribunal wrote to the claimant explaining the power of the tribunal to reconsider decisions and that the claimant should confirm whether that is what he was requesting and the grounds upon which he made that application.
4. By a letter dated 25 April 2017 the claimant explained that he had been ill on the day of the hearing with a "bad kidney infection". He also set out further information about his claim.
5. The tribunal wrote to the parties on 16 May 2017 in which my opinion was indicated that the claimant may be entitled to have the judgment reconsidered. Any objection to that course was to be sent to the tribunal. The parties were

informed that they could apply for a hearing at which the reconsideration application would be considered otherwise it would be determined on the papers.

6. By a letter also dated 16 May 2017 Mr Andy Stopforth for the respondent replied as follows, "I had stated earlier that I would not be attending the original hearing. I strongly disagree with the possibility of rescheduling the hearing. Surely Mr Sturdy would have been able to contact the tribunal or have someone contact the tribunal for him to ask for a postponement due to ill-health rather than notify after the tribunal."
7. I note that neither party has applied for a hearing to address the question of reconsideration.
8. I note also that when the claimant initially wrote to the tribunal he did not mention his ill-health. I note further that Mr Stopforth does not appear to contest that the claimant was in fact ill. Although the claimant could perhaps have notified the tribunal on the day that he was unable to attend it does not seem to me that the respondent is prejudiced by his failure to do so. If the claimant had notified the tribunal it is probable that the hearing would have been postponed.
9. Whatever the reason for the claimant not attending the hearing, had he done so the tribunal would have considered his claim on its merits and there would have been no resistance to the claim put forward by the respondent at that stage because it was not intending to attend that hearing.
10. In those circumstances, it seems to me that it is just and equitable that the parties have the opportunity to put forward their respective sides of the argument at a hearing. I therefore revoke the original judgment and direct that there be a further hearing. At that hearing both parties may appear if they wish. Both the claimant and the respondent may then attend the hearing, call evidence and make submissions.
11. A notice will be sent out by the tribunal setting the date for the new hearing allowing 2 hours for the hearing to be completed.

Employment Judge

18 May 2017

JUDGMENT AND REASONS SENT TO THE
PARTIES ON

24 May 2017

FOR THE TRIBUNAL OFFICE