



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss JL Griffin  
**Respondent:** Early Days (UK) Limited

## JUDGMENT

The respondent's application received on 3 July 2017 for reconsideration of the judgment for which written reasons were sent to the parties on 14 June 2017 is refused.

## REASONS

1. I have considered the application for reconsideration of the judgment. That application is contained in a letter from the respondent dated 30 June 2017 received by the Tribunal on 3 July 2017. It has been supplemented by a further letter of 18 July 2017.
2. The application is out of time. It should have been made by 28 June (Rule 71). The respondent has not identified any grounds for an extension of time, save to apologise for not having been quicker off the mark. On that basis alone the application fails.
3. However, had it been made within time I would have refused it on the merits following preliminary consideration. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application if I consider that there is no reasonable prospect of the original decision being varied or revoked. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).
4. The relevant point made by the respondent is that the claimant had not provided any of the vacancies in the bundle, contrary to what is said in paragraph 56 of the Written Reasons. That goes to our conclusions on mitigation of loss.
5. I am prepared to accept (without having heard from the claimant) that the vacancies in the bundle all came from the respondent. That may have been an error by the Tribunal. However, the key findings on which our decision on mitigation was based appeared at paragraphs 65 – 69. Paragraph 67 recorded evidence from the claimant which we accepted. Paragraph 68 recorded our

conclusion on the vacancies supplied by the respondent. This point would have made no difference to our conclusion even had this application been made within time.

6. The application for reconsideration is refused.

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Employment Judge Franey

24 July 2017

JUDGMENT SENT TO THE PARTIES ON  
25 July 2017

FOR THE TRIBUNAL OFFICE