



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss D Christian

**Respondent:** Cooltemple Construction Services Ltd

## JUDGMENT

The respondent's application dated 1 August 2017 for reconsideration of the judgment sent to the parties on 24 July 2017 is refused.

## REASONS

1. I have considered the respondent's application for reconsideration of the rule 21 judgment. That application is contained in emails of 1 and 3 August 2017 enclosing the proposed response form on which the respondent would seek to rely if the judgment were to be revoked.

2. Implicitly the respondent seeks not only revocation of the rule 21 judgment but also an extension of time to 1 August 2017 for the filing of the response form. A revocation without a corresponding extension of time would be pointless as the claim would remain undefended and a fresh rule 21 judgment would inevitably ensue.

3. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application for reconsideration 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. In common with all powers under the 2013 Rules, preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

5. The response form was originally required by 3 July 2017. No response had been received by the time of the hearing on 21 July 2017. The two emails of 1 and 3 August 2017 contained no information as to why the response form had not been lodged within time. By letter of 14 August 2017 I allowed the

respondent until 6 September 2017 to explain why the response was filed late and why it would be in the interests of justice to revoke the judgment and allow the response to be accepted out of time.

6. No reply was received by that time. On 11 September 2017, however, the Tribunal received a letter from the respondent explaining that the reason for delay was “holidays and moving offices”.

7. I did not consider that those four words alone provided sufficient grounds for revocation of the judgment and an extension of time for the response form. By letter of 3 October 2017 I allowed the respondent until 13 October 2017 to provide full details of the sequence of events leading to the response form being filed late. I explained in the letter that this was a final opportunity to demonstrate a compelling reason to grant an extension of time.

8. No reply has been received.

9. Having considered all the information provided by the respondent I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. No grounds upon which it would be in the interests of justice to revoke the judgment have been identified, save that the respondent now seeks to defend the claim when it failed to do so at the material time. No proper explanation for that failure has been provided. The application for reconsideration is refused.

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Employment Judge Franey

16 October 2017

JUDGMENT AND REASONS SENT TO THE PARTIES ON

19 October 2017.

FOR THE TRIBUNAL OFFICE