



EMPLOYMENT TRIBUNALS

Claimant: Ms J Saimbi

Respondent: Jasmine Mirza t/a Saks Hair & Beauty

JUDGMENT

The respondent's application dated 29 November 2017 for reconsideration of the judgment sent to the parties on 6 October 2017 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The respondent's application for costs was listed for hearing on 15 August 2017.
2. On 15 August 2017 at 09.19 the tribunal received an email from Kamran Dales, who identified himself as the respondent's brother-in-law, requesting an adjournment of the hearing. Extracts from that email read as follows:

Jasmine Mirza has a hearing today for costs. She is extremely unwell and has had severe viral symptoms and stress symptoms recently. She has been also been vomiting all night. Her young baby has also gone down with the virus

Currently she is under the care of Dr Chet Chande in Whitefield. Jasmine has a young baby and no current family support and cannot be assisted in recovery and childcare.

Jasmine is no longer employed and is currently having to use state benefits for day-to-day living. Her business closed earlier this year and has left in a terrible mental state ...

A letter can be sent to provide medical evidence of her current state of health.

3. The application was granted.
4. An Order was sent to the parties on 22 August 2017 notifying the parties of the decision that the application for costs would be determined on the basis of the papers at a hearing in chambers on 29 September 2017. Orders included:

- a. The respondent is ordered to send to the tribunal and to the claimant, by no later than 29 August 2017, the medical evidence in support of her application to adjourn today's hearing, indicating the medical condition which prevented the respondent from attending the hearing.
 - b. The claimant shall, by no later than 5 September 2017, send to the tribunal and to the respondent a copy of its written application for costs, including her application for legal costs arising from this adjournment, together with an up-to-date schedule of the total amount of costs claimed.
 - c. The respondent shall, by no later than 19 September 2017, send to the tribunal and to the claimant a copy of her written response to the application for costs, together with a signed witness statement setting out the financial position of the claimant including her income, her outgoings, any savings and details of any property owned by her.
5. The respondent made no response to those orders, made no application for a variation of those orders, failed to provide any response to the application for costs.
 6. This application for reconsideration was sent to the tribunal more than 14 days after the judgment was sent to the parties.
 7. No satisfactory explanation has been given for the failure to comply with orders, for the failure to make the application for reconsideration within 14 days of the judgment being sent to the parties.
 8. The respondent has failed to provide any medical evidence to support the assertion that the respondent has been unable to correspond with the tribunal by reason of ill-health.
 9. The respondent has failed to provide any medical or other evidence to support the assertion that the respondent's representative, her brother-in-law, has been unable to correspond with the tribunal by reason of injuries sustained in a car accident.
 10. The respondent had full opportunity to respond to the application for costs. She failed to do so.
 11. It is not in the interest of justice to grant the request for reconsideration.

Employment Judge Porter

Date: 6 December 2017

JUDGMENT SENT TO THE PARTIES ON
12 December 2017

FOR THE TRIBUNAL OFFICE