



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr T Tang

and

Respondent
Globalite Management Limited

DECISION ON APPLICATION FOR RECONSIDERATION Rules 70-73 of Schedule 1 to the Employment Tribunals (Constitution and Rules of procedure) Regulations 2013

1. The Claimant's application for reconsideration of the judgment sent to the parties on 31 August 2017 is refused.
2. Reasons for this decision are attached.

REASONS

Background

- 1 Following a Tribunal hearing held on 30 August 2017 at Reading (Employment Judge Vowles sitting alone) the Claimant's claims for breach of contract, unpaid wages and holiday pay were struck out because they had been presented after the expiry of the 3 month time limit (as extended) and there were no grounds to extend the time limit. The claim for a redundancy payment was struck out because the Claimant did not have 2 years continuous employment.
- 2 The judgment was sent to the parties on 31 August 2017 and written reasons were sent to the parties on 13 November 2017 at the request of the Claimant.
- 3 In an application dated 31 August 2017, repeated on 20 November 2017, the Claimant made an application for reconsideration of the judgment.

Relevant Law

- 4 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 -

Rule 70 Principles

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

Rule 71 Application

Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Rule 72 Process

(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge’s provisional views on the application. ...

Decision

- 5 Attached to the Claimant’s application for reconsideration was a letter in which the calculation of 92 days is incorrect. The attached timeline, however, confirmed the dates upon which the decision to strike out the claims was based.
- 6 Those dates were confirmed by the Claimant in the course of his evidence under oath at the hearing on 30 August 2017. The circumstances he described regarding the delay in presenting his claims to the Tribunal were set out in the reasons given orally at the hearing and later in writing at the Claimant’s request.
- 7 A judgment may only be reconsidered where it is necessary in the interests of justice to do so. I am satisfied that nothing new has been raised which would merit reconsideration.

8 There is no reasonable prospect of the judgment being varied or revoked.

Employment Judge Vowles

Date: 22 March 2018

Sent to the parties on:

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For the Tribunals Office