



EMPLOYMENT TRIBUNALS

Claimant
Mr V Preguza

v

Respondent
RJ Fitters Ltd

JUDGMENT having been sent to the parties on 23 February 2018 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

REASONS

1. The claimant presented his claim form to the Tribunal on 15 August 2017. He claimed unlawful deductions from wages and a sum for accrued but untaken holiday pay.
2. Proceedings were served upon the respondent by letter from the tribunal dated 4 September 2017. The respondent was advised that if it wished to defend the claim the response must be received at the Tribunal Office by not later than 2 October 2017, and that if a response was not received by that date and no extension of time had been applied for and given, a judgment may be issued and the respondent would only be entitled to participate in any hearing to the extent permitted by the Employment Judge who heard the case.
3. No response was received by the due date.
4. On 6 October 2017 the Tribunal received a response from the respondent. The response was rejected because it was out of time, and was not accompanied by and did not include an application to extend time.
5. This was communicated to the respondent by the Tribunal on 25 October 2017. On the same day the respondent was sent a document headed "Response rejection – your questions answered". In answer to the question "There is a good reason why the response was late. Can it still be accepted?", the answer was given:

"Possibly, but you must apply for an extension of time as quickly as possible. Your application, which must be in writing and should be copied to the claimant(s), must include:

- a) A request for an extension of the time limit for presenting the response.

- b) Your explanation why the response was not presented within the original time limit.
- c) Your completed response form.

An Employment Judge will then decide whether to grant the extension of time and accept the response. Unless you request a hearing, the Judge will decide the application on the basis of your written explanation. If you wish to request a hearing of your application you must make the request in the application itself.”

- 6. On 2 October 2017 the claimant submitted a schedule of loss, confirming that a copy had been sent to the respondent. That schedule of loss quantified the claimant’s claims in the sum of £900 for unpaid wages and £1,075.20 for outstanding holiday entitlement.
- 7. The respondent did not make an application for an extension of time nor did it explain the delay in submitting the response to the Employment Tribunal and accordingly on 23 February 2018 a judgment was entered for the claimant in the sums claimed pursuant to rule 21.

Employment Judge Ord

Date: 30 May 2018

Judgment sent to the parties on
30 May 2018

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For the Tribunal office