



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Pereira

**Respondent:** Connaught Dover Limited

**Heard at:** Ashford

**On:** 6 September 2018

**Before:** Employment Judge Pritchard

**Representation**

Claimant: In person

Respondent: Mr M Simpson, director

## JUDGMENT

The Judgment issued by Employment Judge Freer on 13 August 2018 under Rule 21 of the Employment Tribunals Rules of Procedure 2013 is revoked

## REASONS

- 1 In default of the Respondent presenting a response within the relevant time limit, Employment Judge Freer issued Judgment under Rule 21 on 31 August 2018 declaring that the Claimant had been unfairly dismissed.
- 2 The final hearing listed to be held on 6 September 2018 was converted to a remedy hearing.
- 3 By email dated 5 September 2018 the Respondent applied for the Judgment to be revoked.
- 4 The case came before me today, the Respondent's application remaining outstanding. Mr Simpson of the Respondent renewed the application. He told me that he had posted the ET3 Response Form to the Tribunal on 2 June 2018 having placed it in the post box at Maidstone Post Office. He assumed, until only very recently, that the Tribunal must have received it. Mr Simpson made the point that he would not have prepared for today's hearing, including preparation of a hearing bundle, if he thought the Tribunal had not received the response.

- 5 The Claimant did not wish to make any representations about the Respondent's application.
- 6 I accepted what Mr Simpson had to say. I concluded that perhaps the response had been lost in the post or, although less likely, received by the Tribunal but misfiled. I determined that it was in the interests of justice for the Judgment to be revoked so that the Respondent had the opportunity to defend the claim.
- 7 I made Case Management Orders for the future conduct of the proceedings.

Employment Judge Pritchard

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Date: 6 September 2018