



EMPLOYMENT TRIBUNALS

BETWEEN:

Claimant

Respondent

Miss H L Cunnungham

and

(1) A Oasis Cars Limited
(2) Mr I Hussain

Reconsideration on the Tribunal's Own Initiative – rule 70

Held at: In Chambers

On: 14 May 2018

Before: **Employment Judge Clark**

DECISION

1. My decision on 27 April 2018 to issue Judgment under rule 21 **is revoked** and the Judgment set aside.
2. The remedy hearing listed for 31 July 2018 is cancelled.
3. The claim will proceed to a Telephone Preliminary Hearing (Case Management) on the first available date with a time estimate of 90 minutes. Separate notice of hearing will follow.

REASONS

1. On 27 April 2018 I considered the claimant's case on a referral under rule 21. At that stage, it appeared that no response had been received by the deadline of 29 April 2018, nor had any application been made for an extension of time. Accordingly, I issued a rule 21

judgment in default, which was sent to the parties on 1 May 2018, and made various other orders cancelling the existing hearings and listing the matter for a 3 hour remedy hearing.

2. On 3 May 2018, a further referral was made to me following the discovery of an ET3 response submitted on behalf of both respondents. That ET3 response had in fact been received by the tribunal on 12 April 2018, well within the time for responding. Regrettably, it had not been tied up with the correct case file.
3. I have decided that the interests of justice require the judgment to be set aside. The respondents had clearly complied with the requirement to submit a response in time, the error that followed was not caused by any default theirs and the issues in the claim warrant proper determination on their respective merits.

.....

Employment Judge
Date: 14 May 2018

AND ENTERED IN THE REGISTER

.....
FOR SECRETARY OF THE TRIBUNALS