



## THE EMPLOYMENT TRIBUNALS

**Claimant:** (1) Mr S Rowley  
(2) Mr P Challis

**Respondent:** Mr Lee Williams T/A Woolson Manor Golf and Country Club

**Before:** Employment Judge M Warren (sitting alone)

### DECISION ON AN APPLICATION FOR RECONSIDERATION

The Respondent's application for a reconsideration is refused on the grounds that there is no reasonable prospect of my Judgments being varied or revoked

### REASONS

1. At a hearing on 29 October 2018, I gave Judgment for the claimants in the sum of £334 and £253 respectively. The Respondent did not attend and had not filed a Response.
2. Relevant excerpts of Rules 70 and 72 of the Employment Tribunal's Rules of Procedure 2013, relating to provision for the reconsideration of Tribunal Judgments are as follows:

**70**

*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.*

**72**

*(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 already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal...*

3. The key point relating to reconsideration is that it must be in the interests of justice to reconsider a Judgment. That means that there must be something about the case that makes it necessary to go back and reconsider.
4. At the hearing on 29 October, I heard evidence under oath from both parties. Mr Rowley was employed as an Assistant Head Greenkeeper, Mr Challis as a Greenkeeper. They were both dismissed on 10 May 2018. They were both owed 3 days pay. Mr Rowley was employed on an annual salary of £29,000 and Mr Challis £22,000.
5. They had both submitted valid ACAS Early Conciliation Certificates on issuing proceedings, on 25 July 2018 in Mr Rowley's case, 26 July in Mr Challis' case. The named proposed Respondent in both Certificates and the named Respondent in both cases, was Woolston Manor Golf Course and Country Club.
6. The cases were consolidated on 2 August 2018.
7. In both cases, the Response was due on 30 August 2018 and none was received. Both claimants were therefore entitled to Judgment.
8. Email correspondence was received from the Respondent on 19 September 2018. The Regional Employment Judge caused a letter to be written on 26 October 2018 to point out to the Respondent that no valid Response Form had been received.
9. At the hearing, Mr Rowley produced a written offer of employment dated 6 April 2018 headed, "Woolston Manor", making reference to accepting an offer of employment from Woolston Manor Golf and Country Club signed by Lee Williams, "director". Mr Challis produced an offer of employment, also headed, "Woolston Manor" and also making reference to accepting an offer of employment from Woolston Manor Golf and Country Club signed by Lee Williams, "director".
10. A search of Companies House revealed that there is no such limited company as Woolston Manor Golf and Country Club Limited, (there had been, but it was dissolved in 2013).
11. "Woolston Manor Golf and Country Club" cannot be a legal entity, it must be a limited company, an LLP or an individual trading under that name. On the information before me, the signed documents before me and the evidence from Mr Challis and Mr Rowley, I found that the employment contracts had been entered into by Mr Lee Williams trading as Woolston Manor Golf and Country Club. Applying the authority of J Mist v Derby Community Health

Services NHS Trust UKEAT/0170/MC and having regard to the overriding objective and the balance of prejudice to the parties, I amended the name of the Respondent to Mr Lee Williams trading as Woolston Manor Golf and Country Club and entered Judgment accordingly.

12. Judgment has been correctly entered for the claimants, in the correct amount, against the correctly named Respondent. The application for reconsideration is therefore refused on the grounds that there is no reasonable prospect of my Judgment being varied or revoked.

Employment Judge M Warren

Date: 5 December 2018