



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Weaver

**Respondent:** Lodge Hill Trust

## JUDGMENT

The Respondent's application dated 20<sup>th</sup> December 2018 for reconsideration of the judgment sent to the parties on 30<sup>th</sup> October 2018 is refused. It is not necessary in the interests of justice for this matter to be reconsidered.

## REASONS

This was a clam for unpaid wages, notice pay and holiday pay. In its response the Respondent said that they were "unable to find any monies owed to the Claimant" and that it was not planning to attend the hearing on 21<sup>st</sup> September 2018. It was therefore aware of the hearing date. At a hearing on 21<sup>st</sup> December 2018 which the Claimant attended, the tribunal adjudged that the Respondent should pay the Claimant £762.25.

The Respondent has now appealed and on 20<sup>th</sup> December 2018 the appeal was stayed to give the Respondent an opportunity to apply for a reconsideration, albeit out of time.

On 20<sup>th</sup> December 2018 the Respondent emailed the Tribunal to apply for reconsideration (without quoting the ET case number which caused a delay) and to explain that it did not attend the hearing because they were expecting 2000 children at their site, the day was "incredibly busy" and all staff were needed on site. They state that it is their honest belief that Mr Weaver is owed £135 less deductions, not the £762 as ordered. No calculation, documentary evidence of payments or other information was provided.

Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Judgment may be reconsidered where it is in the "interests of justice to do so". The Respondent did not apply for a postponement in advance of the hearing – rather it simply said it did not plan to attend. The Claimant attended the hearing with appropriate evidence and reasons for the award are set out in the Judgment. The Respondent has simply made a bare assertion as to its position.

There are no grounds upon which I could find that it was in the interests of justice to reopen this case.

The Respondent was given an opportunity to be heard. It did not take it. The Tribunal has now heard the uncontested evidence of the Claimant and come to a conclusion. There is no reasonable prospect of the original decision being varied or revoked.

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Employment Judge Frances Spencer

Dated 14<sup>th</sup> February 2019