



EMPLOYMENT TRIBUNALS

Claimant: Miss E Gonzalez

Respondent: Peter Harrington Ltd

JUDGMENT

The claimant's application dated 11 January 2019 for reconsideration of the judgment dated 14 December 2018 is refused.

REASONS

1. The Claimant applies for reconsideration of the judgment dated 14 December 2018.
2. Under Rule 70 of the tribunal rules, a tribunal can reconsider a judgment where it is necessary in the interests of justice to do so.
3. The question upon this initial consideration of the application for reconsideration is whether there is a reasonable prospect of the original decision being varied or revoked.
4. On 14 December 2018 the matter was listed before me to hear the Claimant's application to amend her claim to one of age discrimination having withdrawn her existing claims, and to hear the Respondent's strike out application for the existing claims (which application was made without knowledge of the withdrawal). The Claimant did not attend the hearing and I proceeded to hear both applications in her absence. I refused the application to amend the claim to one of age discrimination and since the Claimant had withdrawn all other claims I dismissed her claim in its entirety.
5. The Claimant's application for reconsideration is made in her email of 11 January 2019. In that email she says that she was a bit late arriving for the hearing. Then in answer to a query from the Regional Employment Judge she said that she was in fact 40 minutes late. Her explanation for arriving late was that she went to the wrong place for the hearing. This is not a reasonable excuse for not attending the hearing because the venue of the hearing was clear from the notice of hearing sent to the Claimant. There is no record of the Claimant contacting the tribunal on the day of the hearing to explain that there was a delay, despite a voicemail being left on her mobile phone by the clerk because she had not appeared.

6. The amendment was rejected because it was a new claim which it was out of time (the time limit for bringing such claims being three months from the event complained of) and there was no explanation for that delay. Also there were no details about the new claim, so it appeared to have no chance of success.
7. There is nothing new before the tribunal now which would explain why the application for the amendment was made out of time or to show that it would be just and equitable for the tribunal to hear it despite being out of time, or to show that it has any chance of success.
8. The time limit for asking for a reconsideration is 14 days from the date when notified of the decision. The Claimant was notified of the decision made on 14 December 2018 three days later on 17 December 2018. She is therefore also out of time in applying for this reconsideration. There is no explanation from the Claimant why she is out of time in applying for this reconsideration. There is nothing before the tribunal which would make it in the interest of justice to enlarge time to seek a reconsideration.
9. For the above reasons there is no reasonable prospect of the original decision being varied or revoked in any reconsideration of the judgment on the grounds relied on by the Claimant and the application for reconsideration is refused.

Employment Judge Gordon

Date: 4 March 2019

JUDGMENT SENT to the PARTIES ON

5 March 2019

FOR THE TRIBUNAL OFFICE