



EMPLOYMENT TRIBUNALS

Claimant: Mrs B Belkadi

Respondent: (1) Edward Jones Estate Agents
(2) Real Life Estate Limited
(3) Real Life Estates, Edward Jones Estate Agents, Mr Ashar Shuja and Mr Imran Ahmed
(4) Real Life Estates Ltd t/a Edwards Jones 2018-19

UPON APPLICATION made by letter dated 8 February 2019 to reconsider the judgment under rule 71 Employment Tribunals Rules of Procedure 2013 dated 19 November 2018.

JUDGMENT

The judgment is confirmed.

REASONS

1. This is an application by the third respondent, Mr Ashar Shuja, for reconsideration of the Rule 21 Judgment dated 19 November 2018.
2. The application was made by email dated 8 February 2019 on the following grounds:
 - a. Mr Shuja had not received any letter due to him not being in the office;
 - b. Real Life Estates had stopped trading and been taken over by Up Market Estates and during the swap the office was closed and under renovation;
 - c. Mr Shuja is only an employee and had no idea his name was on the case.
3. The third respondent's application for reconsideration was sent to the claimant to provide her with the opportunity to respond, she did so by letter dated 19 February 2019, in which she objected to the application. The claimant in summary submitted:
 - a. The third respondent was notified of her intentions via ACAS through early conciliation;
 - b. The third respondent had signed her notice letter and described himself as a director;
 - c. The third respondent only resigned from his title following the beginning of the claim;
 - d. The third respondent has given false information;
 - e. The office has never been closed for refurbishment.

4. The notice of claim was issued against all respondents on 30 July 2018 at the address 72 Dallow Street, Burton on Trent, DE14 2PQ. This followed a period of early conciliation, against all respective respondents; for the third respondent the period of conciliation was 28 June 2018 to 10 July 2018. The early conciliation certificate had also been sent to the address at 72 Dallow Street.

5. No response was entered by any of the respondents and a notice of remedy hearing following non presentation of response was listed for 19 November 2018. Again that was served on the respondents at 72 Dallow Street.

6. The claim had been issued against multiple respondents as the claimant had not been provided with a statement of particulars of employment. The claimant's evidence at the hearing on 19 November 2018 was that her employers were Mr Imran Ahmed and Mr Ashar Shuja who were business partners. The claimant produced a letter at the hearing on 19 November 2018 which was undated but had been written by Mr Ashar Shuja the third respondent. In that letter Mr Shuja dismissed the claimant and signed himself as "Director, Edward Jones Estate Agents".

7. The Rule 21 Judgment was sent to all of the respondents by post to 72 Dallow Street and also emailed to the third respondent to an email address taken from his business card that the claimant submitted as evidence at the remedy hearing.

8. The application for reconsideration was made more than 14 days from the date the decision was sent to the parties. Having considered the grounds in the application, there is nothing in the application that leads me to conclude there has been an acceptable explanation for the delay. There is no plausible explanation backed with credible evidence as to why the third respondent would not have received the early conciliation certificate, notice of claim, notice of hearing or judgment all sent to 72 Dallow Street and emailed to the third respondent to an email address on his own business card.

9. For these reasons I am not satisfied it would be in the interest of justice for the requirement to apply for reconsideration within 14 days to be dispensed with. The application is therefore rejected.

Employment Judge Moore
26 March 2019