



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs M Barnett

Cradley Parish Council

DECISION

In exercise of my powers contained in Rule 72 Employment Tribunals Rule of Procedure 2013 I refuse the claimant's application for reconsideration on the grounds that the application was made out of time and it is not a reasonable exercise of my discretion to extend time.

REASONS

1. In May 2018 the parties were sent the judgment dismissing all claims made by the claimant.
2. In February 2019 the claimant submitted an application to reconsider the judgment. According to Rule 71 Employment Tribunal Rules of Procedure 2013 an application for reconsideration, where not made in the course of a hearing, shall be made within 14 days of the date on which the written record of the original decision was sent to the parties. The application made by the Claimant was woefully out of time.
3. On receipt of the application I asked that the Claimant provide reasons for the delay. She was represented at the hearing before me in May 2018 by Counsel and thus clearly had access to legal advice.
4. The Claimant has also submitted an appeal to the Employment Tribunal and has sent a copy to me of correspondence she has sent to the Tribunal regarding her delay in submitting that appeal. In that correspondence she stats that after the hearing in May 2018 she 'immediately consulted with (her) solicitor' about an appeal but was advised to 'let the matter drop'. Thus she had advice it appears within the time limits for reconsideration and/or appeal.
5. I have considered whether I should allow the late application for reconsideration. I have considered the power I have to extend time under Rule 5. I have decided it would not be in furtherance of the overriding

objective in Rule 2 to extend time. It would not be proportionate to allow the application for reconsideration given it was submitted many months after the time limit expired particularly given the Claimant clearly had access to legal advice at the relevant time.

Employment Judge Hindmarch

Date 26 March 2019

JUDGMENT & REASONS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE