



EMPLOYMENT TRIBUNALS

Claimant: Miss P Holly

Respondent: All the Best Bars and Restaurants Limited t/a Propaganda
(in creditors' voluntary liquidation)

Heard at: Manchester

On: 7 March 2019 and
13 March 2019 (in chambers)

Before: Employment Judge Slater

Representation

Claimant: Not present

Respondent: Not present

UPON APPLICATION made by letter dated 10 October 2018 to reconsider, under rule 71 Employment Tribunals Rules of Procedure 2013, the judgment sent to the parties on 19 July 2018.

JUDGMENT

1. The judgment is confirmed.
2. A remedy hearing will be re-listed with a time estimate of 3 hours on a date to be notified to the parties.

REASONS

1. A liability only judgment was issued under rule 21, the respondent having failed to present a response within the required time.
2. The respondent applied, by letter dated 10 October 2018, for the judgment to be reconsidered and the respondent to be allowed to present a response out of time. The respondent's representative asserted that the respondent had not received notification of the claim until it received the rule 21 judgment. The claimant objected to the application by letter dated 14 November 2018.

3. The respondent went into creditors' voluntary liquidation on 17 December 2018. The respondent's representative has ceased to act for them.

4. At the reconsideration hearing, neither party attended. On the instructions of the judge, a clerk contacted the parties to ask them to explain why they had not attended. A former director of the respondent confirmed by email that the respondent had gone into liquidation. The claimant's representative, by email dated 8 March 2019, apologised for their failure to attend the hearing, explaining that they had not believed the hearing of the application could proceed during insolvency unless the respondent elected to do so. In a further email dated 8 March 2019, the claimant's representative forwarded an email from the respondent's liquidators of the same date in which they wrote that they would not be pursuing the application.

5. The respondent provided no evidence in support of the assertion made on their behalf that they had not had notice of the claim prior to issuing of the rule 21 judgment.

6. In these circumstances, I consider it appropriate to confirm the liability judgment and order that a remedy hearing be re-listed.

Employment Judge Slater

Date: 21 March 2019

JUDGMENT SENT TO THE PARTIES ON

5 April 2019

FOR THE TRIBUNAL OFFICE

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