



EMPLOYMENT TRIBUNALS

Claimant
Mr P Atherton

and

Respondent
Carlton Professional Ltd

JUDGMENT ON APPLICATION FOR RECONSIDERATION

1. The Judgment of 2 January 2019 is varied such that the Respondent is to pay the agreed sum of £1,774.32 in satisfaction of the claim.

REASONS

1. The Respondent has applied for a reconsideration of the Judgment dated 2 January 2019 which was sent to the parties on 4 January 2019.
2. By a Claim Form dated 14 November 2018, the Claimant brought a claim of unpaid holiday pay and for compensation in relation to the Respondent's alleged failure to provide written particulars of employment. In the absence of a Response, a Judgment was entered against the Respondent on 2 January 2019 in which compensation was assessed at £2,513.62, including a sum of 4 weeks' pay under s. 38 of the Employment Act 2002.
3. By an email dated 10 January, the Respondent sought reconsideration of that judgement on the basis that he had been ill and out of the office since November. He indicated that he was taking steps to discover what, if any, liability the company owed the Claimant. In the meantime, the Tribunal encouraged the Respondent to file a Response and set out the reasons for its delay.
4. It was clear that there was a good deal of contact between the Claimant and Respondent and attempts were made to settle their dispute. Despite differences between them, Mr Woodhead, the Managing Director of the Respondent, informed the Tribunal that he was offering to make full

settlement of the claim in relation to holiday entitlement nevertheless. Having received the Respondent's draft Response, the Tribunal then indicated that the Judgment could be reconsidered for the reduced amount with the parties agreement or they could agree a settlement through ACAS. At the end of that email of 30 March, the parties were asked how they wish to proceed and they were told to notify the Tribunal by 8 April.

5. On 30 March, Mr Woodhead asked for the judgement to be reconsidered for the reduced amount (£1,774.32) and, on 4 April, the Respondent's Accountant indicated that that sum had been paid. The Claimant did not reply to the Tribunal's correspondence.
6. On the basis of the facts set out above, it is in the interests of justice to reconsider the Judgment as set out above.

Employment Judge Livesey

Dated 11 April 2019