



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr A Allen

and

Respondent

Cotech Services
(No response entered)

DECISION ON APPLICATION FOR RECONSIDERATION

Under Rules 70-73 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

1. There is no reasonable prospect of the Rule 21 judgment sent to the parties on 5 February 2019 being varied or revoked on the grounds set out in the Claimant's application for reconsideration dated 18 and 19 February 2019.
2. The application is refused.
3. Reasons for this decision are attached.

REASONS

Background

1. The Claimant's ET1 claim form, presented to the Tribunal on 4 November 2018, containing a complaint of unauthorised deduction from wages, was served on the Respondent on 19 December 2018 with a 28 time limit for return of an ET3 response which expired on 16 January 2019. No response was presented by the Respondent.
2. The Claimant claimed £500 for 2 day's work done but not paid. Accordingly a Rule 21 Judgment was made in favour of the Claimant and the Respondent was ordered to pay that sum to the Claimant.

Preliminary consideration

3. Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

Rule 70 Principles

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any

judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.

Rule 71 Application

Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Rule 72 Process

(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application. ...

Respondent's application

4. On 18 and 19 February 2019 the Respondent made an application to reconsider the Rule 21 judgment *"for their reasons listed on the emails sent below"*.
5. The emails simply contain assertions that the Claimant had not worked on the days claimed and was not entitled to the sum claimed.

Decision

6. The Respondent did not enter a response to defend the claim within the 28 day time limit, or at all. There was no explanation why no response was presented, nor any application for an extension of time for doing so.
7. In these circumstances there is no reasonable prospect of the original decision being varied or revoked on the grounds set out in the application.

Guidance

8. Guidance on Employment Tribunals and procedures is available at <https://www.gov.uk/courts-tribunals/employment-tribunal>.

Employment Judge Vowles

Date: 24 April 2019

Sent to the parties on:

28 April 2019

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For the Tribunal Office