



THE EMPLOYMENT TRIBUNAL

Claimant **Ms B Aggar**

Respondent **Bugle Yarmouth (IOW) Ltd**

JUDGMENT

The respondent's application dated 29 April 2019, for reconsideration of the judgment of 19 March 2019, sent to the parties on 21 March 2019, is refused.

REASONS

1. To the extent that the application might have been intended to include a late application under rule 20, for an extension of time for presenting a response, such latter application is made at far too late a stage, no such application having been made at or before the final hearing of 21 March 2019. In any event, this would be an invalid application which would necessarily be rejected, as it does not contain the draft response, as required by rule 20(1).
2. In respect of this being an application for reconsideration of the judgment sent to the parties on 21 March 2019 (as is stated to be the case), then whilst on the face of it might appear to be out of time, it is not, because the respondent had already requested written reasons, which were in fact sent to the parties on 29 April 2019, the date that the application was made. Rule 71 provides that the reconsideration application may be made "*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*".
3. The arguments set out in the reconsideration application do not disclose any arguable basis to conclude, under rule 72(1), that there is a reasonable prospect of the original decision being varied or revoked.
4. The respondent did not present a response to the claim, despite having had ample opportunity to do so. The respondent had due notice of the final hearing, and was represented at that hearing. The respondent was given every opportunity to call evidence and make submissions as to remedy, and what was provided was considered by the judge. The respondent's representative could also have sought to make an application in respect of liability or to present a late response, but did not do so. All the matters raised in the reconsideration application could have been raised at or before the final hearing, but were not.

5. There is no prospect of the tribunal now taking a different view from that which has been reflected in its judgment.

Employment Judge Emerton
Date 3 May 2019