



# EMPLOYMENT TRIBUNALS

**Claimant**

Miss C Jolliff

and

**Respondent**

Mrs R Cross t/a Make Do and Mend

## **JUDGMENT ON APPLICATION FOR RECONSIDERATION**

The Respondent's application for reconsideration is allowed and the Judgment of 16 April 2019 is revoked.

## **REASONS**

1. The Respondent has applied for a reconsideration of the Judgment dated 16 April 2019 which was sent to the parties on 17 April 2019. The grounds are set out in her application of 24 April 2019.
2. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under rule 71, an application for reconsideration under rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received inside the relevant time limit.
3. The grounds for reconsideration are only those set out within rule 70, namely that it is necessary in the interests of justice to do so.
4. The basis of the Respondent's application is simple; that the Judgment was entered in error, she having filed a response to the claim on time. A copy of the Certificate of Posting has been supplied which shows that a document was posted to the Bristol Civil Justice Centre on 1 February 2019. That document never found its way to the case file. It appears that something was received in the building and was signed for but has since been mislaid. There

is no reason to believe that the document was not the Response which Mrs Cross says was sent (her email of 17 April).

5. Administrative errors occasionally do occur and, when they do, they invariably cause inconvenience to the parties. That is regretful but an administrative error is clearly not a reason to allow a judgment to stand in circumstances where it was entered in the belief that a response had not been served.
6. Accordingly, the application for reconsideration pursuant to rule 72 (1) is allowed and the Judgment is revoked.

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Employment Judge Livesey

Dated 29 April 2019