



EMPLOYMENT TRIBUNALS

Claimant: Mr R Osundiya

Respondent: Boss Security Services Ltd

JUDGMENT

- 1) The respondent's application for an extension of time in which to present its response to the claimant's claim is granted. The response is accepted.
- 2) The judgment issued under rule 21 of the Rules of Procedure is set aside.
- 3) The claim will be listed for a full hearing on the first available date.

REASONS

1. The claimant presented a claim form to the Employment Tribunal on 23 November 2018 in which he raised a complaint in respect of arrears of pay against the respondent.
2. More properly this is a complaint of unauthorised deductions from wages contrary to section 13 of the Employment Rights Act 1996 and for compensation as a result under section 24(2) of that Act.
3. A copy of the claim form was sent to the respondent with a covering letter dated 11 December 2018, setting a 2 hour hearing for 10 April 2019 and informing that the return date for its response to the claim was 8 January 2019.
4. No response having been received from the respondent, the Employment issued Judgment under rule 21 of the Rules of Procedure on 21 March 2019, having first obtained details of the amounts claimed from the claimant.
5. This was sent to the parties with a covering letter dated 4 April 2019.
6. Solicitors instructed by the respondent wrote to the Employment Tribunal, cc the claimant, by email dated 17 April 2019. This enclosed a letter making an application to extend time in which to present a response to the claimant's claim and to set aside the rule 21 Judgment. Also attached was a draft

Response setting out the grounds of resistance to the claim.

7. The claimant has not responded to the application.
8. In essence, the respondent states that it did not receive the claim form and only became aware of the proceedings when it did receive the rule 21 Judgment. The response raises an arguable defence to the complaint.
9. Having considered the contents of the letter and the grounds of resistance, the application is allowed and the rule 21 Judgment set aside under rule 20 of the Rules of Procedure.
10. As a result, the response is accepted and will be served on the claimant.
11. A further hearing date will be set for one hour on the first available date to determine the claimant's claim. The parties will be notified of this date in due course.

Employment Judge Tsamados

Date 17 May 2019