



EMPLOYMENT TRIBUNALS

**Claimant**  
**Mrs F Jarrett**

V

**Respondent**  
**Tesco Stores Ltd.**

**JUDGMENT ON RECONSIDERATION APPLICATION**

1. The respondent's application dated 15 January 2019 for a reconsideration of the judgment sent to the parties on 15 January 2019 under Rule 19 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 is granted.
2. The application for an extension of time dated 14 November 2018 is granted.
3. The respondent's ET3 is accepted.

**REASONS**

1. The deadline for lodging an ET3 in this case was 25 October 2018. The respondent submitted an application for an extension of time to lodge a response on 14 November 2018.
2. On 7 December 2018, the respondent sought case management directions. The application made reference to the outstanding application for an extension of time.
3. A draft ET3 was provided by the respondent as suggested in the Employment Tribunal letter of 3 January 2019 on 4 January 2019.
4. The Employment Judge considering the Rule 26 referral rejected the ET3 because he was not aware that the respondent had provided reasons with the request for an extension on time. He was also not aware of the case management correspondence.
5. The narrative of the reasoning of the Employment Judge on 15 January 2019 which was provided to the respondent where it refers to a previous extension of time was not the basis of the decision and was not correct.
6. The Employment Judge has now ascertained that, with the application for an extension of time, the respondent stated that they were unaware of the claim and they were making the application as soon as they became aware of it. This constitutes a valid reason for seeking the extension. The Employment Judge is now also aware of the case management direction of 3 January 2019.

7. Accordingly, the decision to reject the ET3 narrated erroneous grounds and was based on an absence of the full facts. After a review of all of the facts, the Tribunal has decided to grant the reconsideration application, grant the application for an extension of time and accept the ET3.

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**Employment Judge Truscott QC**

**Date 9 April 2019**