



EMPLOYMENT TRIBUNALS

Claimant: Mr John Cayley

Respondent: Mr Barry Whitehead

UPON APPLICATION made by letter dated 4 July 2019 to reconsider the judgment under rule 71 Employment Tribunals Rules of Procedure 2013 dated 30 January 2019.

JUDGMENT

1. The rule 21 judgment is revoked. The Respondent did not receive notice of the Employment Tribunal claim until enforcement proceedings were commenced.
2. The Respondent's response has been accepted under rule 20. The Respondent has provided grounds of resistance which set out a meritorious defence to the claim. He has provided an adequate explanation for the delay. Clearly there is a greater prejudice to the Respondent if he is not allowed to defend the claim.
3. The response has been entered in the Respondent's name and that of Complete Cellar Services Ltd, who it is averred is the correct Respondent to the claim. The first Respondent is a director of the second Respondent limited company. Complete Cellar Services Ltd of Unit 6, Stadium Park, Castle Road, Sittingbourne, Kent, ME10 3BG is added as the second Respondent. The issue of who the correct Respondent is will be considered by the Tribunal at the full hearing.
4. The case will now be listed for a full hearing for one hour before a Judge sitting alone on the first available date. A separate notice of hearing will be sent.

Employment Judge Tsamados
9 July 2019