



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms C Aneke  
**Respondent:** Ducas Limited

## JUDGMENT

1. The Claimant's application for reconsideration is dismissed.

## REASONS

1. The hearing in this case took place on 8 March 2019, when the claim for unauthorised deduction of wages was dismissed. The judgment was promulgated on 15 March. I gave my reasons orally, but the Claimant requested those reasons in writing, and these were provided on 23 May.
2. However, the Claimant had made an application for a reconsideration of the judgment by email on the evening of 8 March. Although this was received by the Tribunal at the time, it was unfortunately not forwarded to me until 26 June, following an inquiry from the Employment Appeal Tribunal. I apologise for this further administrative oversight.
3. I shall set out the application for a review, which was as follows:

*Thank you for your time in today's hearing. This is a formal request to review and reassess your decision. This request is based on the evidence supplied by the respondent, Simon Bailey. It is the spreadsheet calculation document. We had very little time to consider this document as we only saw it for the first time today at the hearing. That evidence is at page 82 of his bundle.*

*I refer to the column to the right of that document. This column is named 'roll back amount'. There is £692.70 roll back figure. This figure does not form part of any deductions on the spreadsheet. It does not form part of the money received by the claim. Yet, it is deducted from the gross money earned by the claimant.*

*We ask that the respondent provides explanations to this amount within a period of time as may be required by the tribunal. If the tribunal is not satisfied with the explanation, or no explanation is given the claimant requests that the tribunal finds in favour of the claimant that the 'roll back amount' of £692.70 is due to the claimant.*

4. What the Claimant was seeking, therefore, was an explanation of this document from the Respondent. I have interpreted that request as meaning that I should ask myself whether this “new” evidence should cause me to reconsider my judgment.
5. I have explained in the written reasons (as given orally) why I preferred the Respondent’s evidence. As requested, I have reviewed the evidence that was before me. I have noted again that, in the absence of witness statements or any agreed schedule collating the evidence in the payslips, we were doing our best at the hearing to work out the various figures as we went along.
6. Whilst I cannot find within my notes of the hearing any reference to this particular amount, it was contained within a document provided at the hearing. I accept that the Claimant may not have seen this document previously, which could probably be said by both parties of a number of documents. However, I am satisfied that I saw the documents that were relevant to my decision and I do not consider it is necessary in the interests of justice to vary or revoke the judgment.

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Employment Judge Cheetham QC

Date: 28 June 2019