



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr E Nowicki  
**Respondent:** Clipper Logistics plc  
**Heard at:** Nottingham  
**On:** 19 September 2019  
**Before:** Employment Judge Blackwell (sitting alone)

## JUDGMENT

The Claimant's application to extend time in which to submit an application for reconsideration of the judgment sent to the parties on 20 August 2019 is refused.

## REASONS

1. Mr Nowicki clearly wishes to have the decision which was sent to the parties on 20 August 2019 reconsidered. In accordance with Rule 71 of the First Schedule of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the 2013 Regulations) such application should have been made by 3 September 2019.
2. By an email of 18 September 2019, Mr Nowicki sent a "Request to restore the deadline to reconsider a judgment". Put it another way, it is an application to extend time and the tribunal has power to extend time pursuant to Rule 5 of the 2013 Regulations. To do so is an act of judicial discretion and must be exercised judicially. In doing so I must have regard to the overriding objective set out in Rule 2 of the 2013 Regulations.
3. Mr Nowicki enclosed with his email of 18 September proof that he was absent from the country between 24 August and 31 August 2019. He also said that he first read the decision on 2 September 2019. I also take into account that Mr Nowicki is a litigant in person and that his first language is not English.

3. On balance, however, I refuse the application, the main reason being that it has taken Mr Nowicki a further 16 days in which to act. In that period, he should not only have applied for an extension of time but also submitted his application for reconsideration. The application is therefore refused.

Employment Judge Blackwell

Date: 19 September 2019

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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