



EMPLOYMENT TRIBUNALS

Claimant: Mr K Hillyard

Respondent: Turning Point

JUDGMENT ON RECONSIDERATION

Determined pursuant to rule 72 without a hearing having considered the parties' written representations.

The judgment pursuant to rule 21 sent to the parties on 9 September 2019 is revoked and the respondent's application for an extension of time to present its response is granted. The draft ET3 is accepted. The respondent has leave to file an amended response by 17 October 2019.

The remedy hearing listed on 20 November 2019 is vacated.

REASONS

The claim form was received by the Employment Tribunal on 26 July 2019. Notice of claim was sent to the respondent, Turning Point, on 2 August 2019. The response was due to on 30 August 2019. No response was received and judgment was given pursuant to rule 21 and sent to the parties on 9 September 2019.

The respondent has applied for a reconsideration of the judgment and extension of time in which to file a response.

I have considered the written submissions made by both parties on this matter. The respondent contends that it has not received, or had sight of, the claim form. It is indicated that documentation received from the Employment Tribunal is sent directly to the respondent's Human Resources Department but it has not been located. The claimant's representative indicated that there was surprised that the respondent did not receive notice of or anticipated claim. It was clear that the dismissal was contested. The ACAS EC notification was submitted on 3 July 2019 and the claim was submitted on 26 July 2019.

I am satisfied that the balance of prejudice is in favour of the respondent as it would lose the right to defend the claim whereas, the claimant is still able to bring his claim and obtain the appropriate remedy should his claim succeed.

It is in the interests of justice to revoke the judgment and allow the respondent an extension of time to submit its response.

I am satisfied that the draft response shows that the respondent denies that the claimant was unfairly dismissed. However, the respondent has not had sight of the claim form which will now be sent to the respondent and it has leave to file an amended response following which directions will be given and a further hearing date allocated.

Employment Judge Shepherd

8 October 2019