



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Kerr

**Respondent:** American Airlines

## RECONSIDERATION JUDGMENT

1. The respondent's application to extend the time to present a response form is granted and the respondent is given until 31 October 2019 to lodge same.
2. The judgment issued under Rule 21 in the absence of a response (dated 28 August 2019) is revoked and the Hearing fixed for 5 November 2019 is changed to a case management preliminary hearing.

### Reasons

1. The respondent applied by emails dated 8 October and 11 October 2019 for an extension to the time to lodge a response form. The claimant objected on the basis that a draft response form had not accompanied the initial application. A draft was submitted in the later email.
2. The respondent had not received any communication about the claim or via ACAS. Their first notification was when the above judgment was sent to them.
3. They have since presented a draft response which contains a stateable defence.
4. It is in the interests of justice to allow the respondent to provide its defence and ensure that the claimant's claims are properly heard. The respondent acted quickly upon learning of the claim and did not unreasonably delay. The claimant is not unfairly prejudiced in having the determination of the claim delayed a short period to allow a Hearing to be fixed to deal with liability and remedy.
5. In terms of Rule 20(3) I accede to the respondent's application to extend the time for acceptance of the response form.
6. Under Rule 70 on my own initiative I reconsider the judgment issued in terms of liability dated 28 August 2019 and revoke same. It is in the interests of justice for the claim to be determined at a Hearing with both parties presenting their positions. The Hearing previously fixed shall now become a case management preliminary hearing.

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Employment Judge Hoey

DATE: 22 October 2019

JUDGMENT SENT TO THE PARTIES ON

22 October 2019