



EMPLOYMENT TRIBUNALS

Claimant: Miss G Pavan

Respondent: Nicola Greer

JUDGMENT

We have referred this matter to Employment Judge Russell who has ordered the case be relisted for a 1 day hearing to re-determine this matter (liability and remedy if appropriate) and to allow you as the Respondent to attend the hearing and give evidence which you failed to do on March 14th.

Your email to the ET of 16 March, which he is prepared to consider as an application to reconsider the judgment of 14 March, was overlooked by the ET office for which we apologise. This led to you appealing the judgment made and that appeal is currently stayed on the order of His Honour Judge Shanks. The reasons Employment Judge Russell (who will not hear the adjourned case) has made the decision to allow the original judgment to be set aside, and the case rehear, are as follows:

- 1) You, as Respondent, did write to the ET within 14 days of the decision being made seeking a reconsideration.
- 2) There are good grounds for such an application if the Respondent did not receive the ETI or any subsequent communication from the ET.
- 3) There is reason to believe the address (given by the Claimant from the outset of her claim) for the Respondents business in Dalling Road was incorrect in that the Respondent had or may have sold this business in November 2017 and moved away without a forwarding of post arrangement.
- 4) If so there is reason to believe the Respondent received no communication from the ET prior to the original hearing of 14 March 2018 leading to her failure to defend the claim and nonattendance at the hearing.
- 5) And if so it is in the interests of justice for the Respondent to have a chance to defend the claim.

Employment Judge Russell is aware that the Claimant, copied into this letter, will be concerned that she has to reappear at the ET to rehear the case but the reason for this is that the wrong address was seemingly given for the Respondent from the outset of the case.

The Respondent will still have to defend the claims made and the Employment Judge hearing this case will have sight of Employment Judge Russell's initial determinations albeit that she or he will

of course hear the evidence presented before making an independent judgement. Whoever then deals with the case will also give determinations as to the stayed appeal.

And the issue of costs will also be determined at the relisted hearing and in particular with you as the Respondent being at risk as to a costs order if you fail to show to the satisfaction of the Employment Judge that you had reasonable grounds for your failure to defend the claim and non-appearance at the original hearing.

In the interim Employment Russell makes the following directions and orders.

The original judgement of 14 March sent to the parties on 23 March be set aside.

The Respondent is ordered to file with the ET a defence to the claims made (a further copy of the ET1 and a blank ET3 for the defence is enclosed) through an ET3 by 4 December 2018 sending a copy of this to the Claimant. This will be accepted as served in time as long as it is filed within this period.

The Respondent should at the same time send (to the Claimant only) copies of all documents upon which the Respondent wishes to rely at the relisted hearing. Including written evidence of the sale of the business and move from Dalling Road.

By the same date the Claimant shall send to the Respondent (using the address as used above) copies of any documents upon which she wishes to rely including mitigation and on December 19th (so that they are exchanged simultaneously) both parties should send to each other Written Statements as to their case which will be relied upon by the ET at the relisted hearing.

Both parties should bring to the hearing 3 copies of their statements and all documents they wish to rely on (with an index for the documents each page of which should be numbered sequentially in the bottom right corner). The claimant shall also bring with her a Schedule of Loss calculated to the hearing date. The hearing details (likely to be in January 2019 to allow for the direction given above to be effected) will be sent on shortly.

Employment Judge Russell

Date: 22nd Aug 2019

JUDGMENT SENT TO THE PARTIES ON

18th Sept 2019

AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE