



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C O'Brien

**Respondent:** Fullers

**Heard at:** Watford Employment                      **On: 3 December 2019**

**Before:** Employment Judge Skehan (sitting alone)

**Dealt with on papers only**

## JUDGMENT

On reconsideration in accordance with the provisions of rule 70 to 73 of the Employment Tribunal Rules, the Rule 21 default Judgement of Employment Judge Henry dated 9 September 2019 is set aside.

## REASONS

1. The respondent's representatives contacted the employment tribunal on 4 October 2019 stating, inter alia, that prior to receiving the default Judgement of 9 September 2019, the respondent had not received any papers from the tribunal, the claimant or ACAS in respect of this matter and requested a reconsideration of the default judgement. The respondent's full name was also clarified. The employment tribunal notes the claimant's comments within his email 8 November 2019.
2. Although the original decision was made by Employment Judge Henry, it is not practicable for Employment Judge Henry to consider this reconsideration application. I have considered this application for a reconsideration in accordance with rule 72(3) of the Employment Tribunal rules.

3. There is an underlying public policy principle in all proceedings of a judicial nature that there should be finality in litigation. Any reconsideration should be properly seen as limited exceptions to the general rule. However, in these circumstances, I accept on the balance of probability, that the respondent has not received the documentation as they have claimed. I have considered the written submissions made by both parties and conclude that it is necessary to set aside the default judgement in the interests of justice.
4. The claim will be re-served by the Employment Tribunal.

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**Employment Judge Skehan 04.12.19**

Sent to the parties on:

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For the Tribunal:

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