



EMPLOYMENT TRIBUNALS

Claimant

Ms Elisa Cominelli

v

Respondent

Jupiter New Business Ltd

Determined at: Watford

On: 29 October 2019

Before: Employment Judge Bedeau

RECONSIDERATION JUDGMENT

Under 71 of the employment tribunal rules of procedure 2013

The application for a reconsideration of the judgement sent to the parties on 22 August 2019, is refused

REASONS

1. On 1 August 19, the claimant attended the hearing of her claim for unauthorised deductions from wages. The respondent having failed to attend and not having responded to enquiries by the tribunal on the day, the hearing proceeded in its absence.
2. The unauthorised deductions from wages claim was proved and the claimant was awarded the sum of £1,099.27 gross.
3. On 2 September 2019, the respondent's solicitors informed the tribunal in writing that they were now on record as the respondent's legal representatives and applied for the judgment to be reconsidered.
4. In their document entitled 'Reasons for Reconsideration', they wrote the following:
 - “1. The Employment Tribunal at Watford failed to respondent court directions in this matter even though the respondent made several enquiries and was told that it would be sent.
 2. That the respondent disagrees with the decision as there was no fair hearing in the case.
 3. The respondent will like to participate in the hearing in the interest of justice.”
5. No details were given in respect of paragraph 1 above. However, attached to the application was a witness statement by Mr Francesco Carta, managing director of the respondent company, in which he gives an account of the claimant's alleged failure to carry out her duties as a

general assistant. She was offered £330.03 in satisfaction of her claim, but this was not taken up by her.

6. Rule 72(1) provides for a preliminary consideration of an application for reconsideration without the need for a hearing and for the applications to be rejected if it is considered that there is no reasonable prospect of the judgment being either varied or revoked.
7. The basis for a reconsideration application is the interests of justice.
8. The respondent's representatives assert that the tribunal failed to inform the respondent of its directions. This bald claim is difficult to understand. The response was presented on 10 September 2018. The respondent's name and address given on the first page, were: Office 7, 35 - 37 Ludgate Hill, London EC4M 7JN. The contact person being Mr Carta. Thereafter, having regard to the documents in the tribunal's file, there was communication between tribunal and Mr Carta at that address. The tribunal acknowledged the response on 17 December 2018; notified him of the postponement of the hearing listed on 11 March 2019 and invited him to give dates to avoid between April to August 2019, by 18 March 2019; Mr Carta responded by email on 11 March 2019, with a list of unavailable dates up the 31 July 2019; on 19 April 2019, the tribunal notified the parties of the new hearing date being 1 August 2019; on 31 July 2019 the tribunal attempted, unsuccessfully, to remind the respondent of the hearing listed the following day and left a message at 11:48am; and on the day of the hearing the clerk to the tribunal tried to contact the respondent but the call went to voicemail.
9. I was satisfied that the parties were informed by the tribunal of the hearing listed on 1 August 2019 in its notification dated 19 April 2019 and reminded the parties the hearing on 31 July.
10. The respondent's representatives failed to set out detailed particulars in support of the reconsideration application. Having considered the correspondence, I was satisfied respondent was informed of the hearing and failed to attend. Accordingly, I do not consider that it is in the interests of justice to allow this case to proceed to a reconsideration hearing as I have come to the conclusion, having regard to rule 72(1), that there is no reasonable the judge either being varied or revoked. Consequently, this application is refused.

Employment Judge Bedeau 18/11/2019

Sent to the parties on: 18 November 2019

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For the Secretary to the Tribunals