



EMPLOYMENT TRIBUNALS

Claimant: Mr J Lineker

Respondent: Biffa Plc

UPON APPLICATION made by letter dated **26 November 2019** to reconsider the judgment dated **19 November 2019** under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

1. The judgment dated 19 November 2019 dismissing the claims is revoked and the claims are reinstated.

REASONS

2. In a judgment signed by Judge Bartlett on 19 November 2019 the proceedings were dismissed following an apparent withdrawal of the claim by the claimant.
3. This judgement was sent to the claimant on 30 November 2019.
4. On 23 November 2019 the claimant was informed via email that a dismissal judgment would be sent out to the parties in due course. On 23 November 2019 the claimant emailed the Watford Tribunal to say that he had not withdrawn his claim, he had telephoned the tribunal on 31 October 2019 to state that he did not want to withdraw his claim and was told to send an email stating that, which he did.
5. On 17 December 2019 the claimant set out why he had mistakenly asked for his case to be closed. These reasons were as follows:

“I was under the illusion that you had to pay for a tribunal. I was under the illusion because of Acas told me that there would be a charge. I did not realise that this

would be for me to get to representation not for the tribunal itself. This was the confusion. I did send the email within 24 hours of sending the original email asking for the case not to be closed and explained this over the phone to the admin as well as an email.”

6. Rules 70 to 73 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 set out the principles that must be considered in reconsiderations.
7. I consider that there is no need for a hearing to make the reconsideration pursuant to Rule 72(2). This is because there have been no representations from the respondent on this issue and the initial Judgement was made on the papers.
8. I have decided that it is necessary in the interests of justice to reconsider my judgment dated 19 November 2019. This is because at the date when I made the decision I was not made aware of the claimant’s email which he sent to the Employment Tribunal on 31 October 2019 at 3.14pm asking for his previous email, stating that he wanted to withdraw his case, be ignored. I also accept his evidence that he spoke to a member of the administration team in this regard on that day.

Employment Judge **Bartlett 16.01.20**

JUDGMENT SENT TO THE PARTIES ON

.....22.01.20.....

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FOR THE TRIBUNAL OFFICE