



EMPLOYMENT TRIBUNALS

Claimant: Miss O Jones

Respondent: Michelle Ward

UPON APPLICATION made by an email from the Respondent dated 24 January 2020, to reconsider the Judgment sent to the parties on 10 January 2020 (“**Judgment**”), under rule 71 of the Employment Tribunals Rules of Procedure 2013 (“**Rules**”).

JUDGMENT

The Claimant’s application for reconsideration is refused and the Judgment is confirmed.

REASONS

Background

1. The Respondent’s email of 24 January 2020 set out her application for reconsideration of the Judgment. In that Judgment I had ordered, under Rule 21 in the absence of a response from the Respondent, that various sums be paid by the Respondent to the Claimant in respect of unpaid wages, notice and holiday pay.

Issues and Law

2. Rule 70 provides that reconsideration of a judgment will take place where the Employment Judge considers that it is necessary in the interests of justice to do so.
3. Rule 71 provides that applications for reconsiderations of judgments should be presented in writing within 14 days of the date on which the written record was sent to the parties and should explain why reconsideration is necessary. The Respondent’s email satisfied those

requirements and therefore a valid application for reconsideration was made.

4. Rule 72(1) notes that an Employment Judge shall consider any application for reconsideration made under rule 71, and that if the Judge considers that there is no reasonable prospect of the original decision being varied or revoked then the application shall be refused and the Tribunal shall inform the parties of the refusal. Alternatively, rule 72 sets out the process that is then to be followed for further consideration of the application.

The Application

5. The Judgment was issued under Rule 21, which provides that where no response has been presented within the required time period, an employment judge shall decide whether on the available material a determination can be properly made. The Rule goes on to say that, to the extent that a determination can be made, the judge shall issue a judgment accordingly.
6. In this case, the time for submission of the Respondent's response expired on 2 December 2019. I reviewed the file on 9 January 2020, noted that no response had been submitted, and that the Claimant had submitted details of the amounts she claimed. I therefore concluded that I could, on the available material, issue judgment, and therefore issued the Judgment.
7. The Respondent has now sought reconsideration, sending in various documents which she appears to contend explain that the sums claimed by the Claimant are not due to her.

Conclusion

8. The place for the Respondent to provide such information was in her response to the claim, which should have been submitted by 2 December 2019. In any event, I am unable to discern how the sums ordered in the Judgment are considered to be incorrect.
9. I did not therefore consider that there was any reasonable prospect of the Tribunal's original Judgment being varied or revoked and I concluded that the Claimant's application for reconsideration should be refused.

Employment Judge S Jenkins

Date: 27 January 2020

JUDGMENT SENT TO THE PARTIES ON 28 January 2020

.....
FOR THE TRIBUNAL OFFICE