



EMPLOYMENT TRIBUNALS

Claimant: Mr J Hemingway

Respondent: MC Recruiting Limited

JUDGMENT

The respondent's application for reconsideration of the judgment sent to the parties on 10th September 2019 is granted.

The Judgment is set aside and does not take effect.

REASONS

1. By email of 14th January 2020, Mr Cope, Director of the respondent company wrote to the Tribunal requesting reconsideration on the grounds that the claim form had been served on the wrong address and that, other than an initial phone call from ACAS, he had received no information about the claim; claim form or subsequent correspondence from the Tribunal or claimant. He only became aware that a judgment had been issued when he was contacted by the claimant seeking payment of the award.
2. I wrote to the parties on 30th January 2020 seeking Mr Hemingway's view on the application and have had no reply from him.
3. I accept Mr Cope's explanation for not entering a response.
4. In the circumstances it is in the interests of justice to vary my judgment and it is set aside. The claim form will be reserved and the claim listed for a hearing.
5. Rule 5 of the Rules of Procedure provides that the Tribunal can extend any time limit specified in the Rules. I exercise my discretion to do so in this case as it would be in the interests of justice to do so; Mr Cope only became aware of the Judgment when Mr Hemingway contacted him.

The Law

6. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70). Rule 71 provides that an application for reconsideration shall be made in writing within 14 days of the date on which the written record of the decision was sent to the parties.

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7. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Howard

DATE 13th February 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON

20 February 2020

FOR THE TRIBUNAL OFFICE