



EMPLOYMENT TRIBUNALS

Claimant: Ms L Blenkinsop

Respondent: Yellow Rose Lodge Ltd

PUBLIC PRELIMINARY HEARING

Heard at: Hull On: 13 March 2020

Before: Employment Judge Shepherd

Appearances

For the claimant: Mr Birrell

For the respondent: Mr Bunting

JUDGMENT

The application of the respondent for an extension of time to submit its response is granted and the response is accepted without the need for further service.

Reasons

1. The claim was presented to the Tribunal on 13 September 2019 and the notice of a claim was sent to the respondent at its registered office address on 17 September 2019. On the same day a notice of preliminary hearing was sent to the parties. A further letter providing a postponement order was sent on 6 November 2019. A further notice of preliminary hearing was sent on 7 November 2019.
2. On 25 November 2019 the Tribunal wrote to the respondent indicating that no response had been presented and under rule 21 of the Employment Tribunals rules of procedure judgment may be issued.
3. On 28 November 2019 the solicitor for the respondent wrote indicating that the respondent had not received a copy of the notice of claim or the ET1 and the first time the respondent became aware of the claim was on receipt of the letter from the Tribunal dated 25 November 2019.
4. I heard evidence from Tony Proudfoot, the managing director of the respondent company. He said that he attended the premises, Holyrood House and went through

the post on 26 November 2019 and saw the letter from the Tribunal dated 25 November 2019. This was the first time he became aware of the claim.

5. Mr Proudfoot gave evidence that the manager at Holyrood House had been investigated for other matters and dismissed. During the course of the investigation it was revealed that the manager had deleted emails and destroyed company paperwork, including a year's worth of company audits, financial paperwork and employee supervisions. Mr Proudfoot said that there was a strong possibility that this employee, who was responsible for the post at the premises, received the letters but did not give them to him.

6. There is an arguable response to the claim. I am satisfied that it is in the interests of justice to grant the extension of time. I have considered the balance of prejudice. The prejudice to the respondent not being able to defend the serious claim against it is such that it is in the interests of justice to allow an extension. I accept that it is likely that the fault was that of a former employee and the respondent should be allowed to continue with its response. The claimant still has the opportunity of prosecuting claim.

7. There are issues in respect of disability and, particularly, knowledge, substantial affects and justification. I do not find it appropriate to speculate on the quality or availability of the evidence. There are matters to be tried. In the circumstances, the application for an extension of time is allowed and the response is accepted.

Employment Judge Shepherd

13 March 2020