



# **EMPLOYMENT TRIBUNALS**

**Claimant:** Miss D Phipps-Powell

**Respondent:** Maaike Rushton

## **JUDGMENT ON APPLICATION FOR RECONSIDERATION**

1. The respondent's application for reconsideration of the judgment under rule 21 of the Employment Tribunals Rules of Procedure 2013 in this case, sent to the parties on 18 February 2020, is refused under rule 72(3) as there is no reasonable prospect of the judgment being varied or revoked.
2. The respondent's application for an extension of time to respond to the claim is refused.
3. The judgment therefore stands.

## **REASONS**

1. The respondent has applied for reconsideration of the rule 21 judgment in this case. She submitted a draft ET3 response form on 2 March 2020 and set out her grounds for reconsideration in an email of 9 March 2020. The time to respond to the claim had expired on 11 February 2020.
2. Rules 70-73 of the Employment Tribunals Rules of Procedure 2013 set out the process for reconsideration of judgments. Also rule 20 sets out the process for applying for an extension of time for responding to a claim and provides at rule 20(4) that if the decision is to allow an extension, any rule 21 judgment shall be set aside.
3. Under rule 72(3), if an Employment Judge considers there is no reasonable prospect of the original judgment being varied or revoked, the application shall be refused and the Tribunal shall inform the parties of that decision.
4. The respondent accepts that she saw the Tribunal claim "a couple of days before the deadline". She does not know why she did not see it earlier. I have no reason to think it was

not delivered to her home address in the ordinary course of post. Even if she did not see the claim until soon before the time-limit expired, she had time to prepare a response to what is a small, straightforward claim or to request the Tribunal for an extension of time before it expired.

5. Even more importantly, the proposed response does not challenge the amount claimed by the claimant. It asserts that the payment had not been released by the Continuing Healthcare Council or the payroll company. This does not raise any substantive defence to the claim.

6. My decision, therefore, whether made under rule 72(3) or rule 20, is that there is no reasonable prospect of the judgment being varied or set aside, and it would not be just to extend time for the response, when the respondent has not shown an acceptable reason for not responding in time, and the proposed response does not show any arguable defence to the claim. The judgment therefore stands.

Regional Employment Judge Robertson

18 March 2020

JUDGMENT SENT TO THE PARTIES ON

19 March 2020