



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms I Opalkova

**Respondent:** Acquire Care Ltd

## JUDGMENT ON PREPARATION TIME (RECONSIDERATION)

The claimant's application dated 6 March 2020 for reconsideration of the judgment on preparation time sent to the parties on 21 February 2020 is refused under rule 72(1) of the Employment Tribunal Rules of Procedure 2013.

### REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The claimant's letter of 27 January 2020 was considered by the tribunal. It was relevant to the second stage of the claimant's application. As the tribunal concluded at the first stage that there was no ground to make a preparation time order against the respondent, the second stage did not arise.
3. False statements: the tribunal did not conclude that any contradictions in documents or statements made by the respondent in the course of proceedings amounted to unreasonable conduct which gave grounds to consider making a preparation time order. Some of the points made by the claimant in paragraphs 2 to 25 of her application are based on her evidence that the Company Car Scheme document was not in existence when she signed her contract of employment, but the tribunal, having heard and weighed up the evidence on this, found that the document was in existence at that time.
4. National Minimum Wage records: the claimant's complaints and the issues for determination were identified at two preliminary hearings and were set out in the tribunal's judgment of 11 August 2019. The claimant's complaints did not include a complaint under section 11 of the National Minimum Wage Act 1998.
5. No reasonable prospect of success: the tribunal set out in its judgment on preparation time and costs its conclusion that the respondent's response (including the response to the national minimum wage complaint) could not be said to have had no reasonable prospect of success, and its reasons for reaching that conclusion.

6. Breach of case management order: there is no reasonable prospect of variation of the tribunal's conclusion that there was no breach of an order by the respondent or the respondent's representatives in this case which gave grounds to consider making a preparation time order.

\_\_\_\_\_  
Employment Judge Hawksworth  
Date 2 April 2020

JUDGMENT SENT TO THE PARTIES ON

23 April 2020

.....  
FOR THE TRIBUNAL OFFICE