



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100211/2020

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Held in Chambers at Glasgow on 17 March 2020 (Reconsideration Hearing)

Employment Judge: Ian McPherson

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Mr Iain Manuell

Claimant

Braveheart Industries

Respondents

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## RECONSIDERATION JUDGMENT

### Employment Tribunal Rules of Procedure 2013

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The judgment of the Employment Tribunal, made in chambers, acting under its powers in terms of **Rules 20, 29 and Rules 70 to 73, of the Employment Tribunals Rules of Procedure 2013**, following the respondents' application for reconsideration dated 12 March 2020, and without the need for a Hearing, is as follows:

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- (1) The respondents' application, per Ms Paula McGlynn, Board member, for reconsideration and set aside of the Default Judgment made against them and dated 3 March 2020, and sent to parties by the Tribunal on 6 March 2020, is **granted**, notwithstanding the objection intimated by the claimant on 12 March 2020, it being in the interests of justice to do so, where it is now clear that the ET1 claim form was not properly served upon the respondents, when Notice of Claim as sent by the Tribunal on 21 January 2020 was not sent to the respondents' registered office address shown on the ACAS early Conciliation Certificate issued on 22 December 2019, and so they did not have an

opportunity to respond, and they now seek to defend the claim, it having been brought to their attention by ACAS.

5 (2) Accordingly, **on reconsideration in terms of Rule 70**, the **Rule 21** Default Judgment issued in the claimant's favour, dated 3 March 2020, is **revoked**. The finding that the claimant was unfairly dismissed by the respondents, on 1 November 2019, is likewise revoked, and the Remedy Hearing assigned by the Tribunal, by Notice of Remedy Hearing dated 10 March 2020, fixing **Monday, 1 June 2020**, at 10.00am, for a 2 hour Remedy Hearing, is **varied**, and while that Hearing date is retained, the Remedy Hearing is **converted** into a **Final Hearing for full disposal, including remedy if appropriate**, and the length of that Hearing varied to **one day**.

10 (3) Further, and in any event, the Tribunal, acting on its own initiative, under **Rule 73**, having treated that reconsideration application as an application by the respondents for an extension of time under **Rule 20** for presenting a response to the claim, and it being in the interests of justice to grant such an extension of time, the Tribunal **grants** the respondents an extension of time to present their ET3 response, and **orders** them to do so **within no more than 28 days from service of this Judgment upon both parties by the Tribunal.** Notice of Claim is issued under separate cover

- (4) Standard case management orders, under **Rule 29**, are issued under separate cover, alongside this Reconsideration Judgment, for the efficient and effective conduct of that Final Hearing.

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Employment Judge: Ian McPherson  
Date of Judgment: 18 March 2020  
Entered in Register: 20 March 2020  
And copied to Parties

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