



EMPLOYMENT TRIBUNALS

Claimant: Mr S Kelly

Respondent: (1) The Zoltar Group Ltd
(2) Cocomo Ltd
(3) Uzma Dar

JUDGMENT

The respondent's application dated **7 July 2020** for reconsideration of the judgment sent to the parties on **23 June 2020** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

(a) the application for reconsideration seeks a reconsideration of the decision to refuse to extend time for submission of the response by second and third respondent dated 1 May 2020. This decision was made at the case management preliminary hearing on 1 May 2020. This hearing took place by telephone as a result of the Covid-19 pandemic. Notice of the change was sent to the parties by email on 28 April 2020. The respondents did not respond to this notification nor did they seek to attend at the Tribunal. The Tribunal clerk attempted to contact the respondents on two occasions before the hearing started. A copy of the case management order was sent to the parties on 12 May 2020 to the same addresses at which the respondents were respectively notified on 11 March 2020 that due to a lack of response, they would not be allowed to participate in any hearing without permission of a Judge. This letter prompted the application by the second and third respondents for an extension of time for presentation of a response. Any application for reconsideration of that decision should have been made on or before 26 May 2020. There is no explanation as to why it was not and therefore there is no reasonable prospect of that decision being varied or revoked.

(b) the application for reconsideration also seeks a reconsideration of the Rule 21 Judgment made on 19 June 2020 and sent to the parties on 23 June 2020. As a result of the decision not to extend time for the second and third respondents to

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submit a response, the claimant was asked to submit evidence so that a Rule 21 Judgment could be made. The case management order was sent to all respondents at the same address used previously by Tribunal office staff and no requests were received from any respondent to make submissions or attend a final hearing before the Rule 21 Judgment was made. On receipt of the claimant's evidence I determined that a Rule 21 hearing was not necessary and the Rule 21 Judgment was made. There was no final hearing about which the respondent could be notified. The Employment Tribunals (constitution and rules of procedure) Regulations 2013 do not require the claimant to serve the claim on the respondents. The claim was served by the Tribunal on 31 January 2020. No other reasons are submitted as grounds for reconsideration and therefore, there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge **Ainscough**

Date 17 August 2020

JUDGMENT SENT TO THE PARTIES ON

14 October 2020

FOR THE TRIBUNAL OFFICE