



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Walczak

**Respondent:** Weatherbreak Windows Ltd

## JUDGMENT

The respondent's application dated **4 January 2021** (with supplementary material sent 12 January 2021) for reconsideration of the judgment sent to the parties on **22 December 2020** is refused.

## REASONS

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

1. Notice of Claim was sent on 29 June 2020 to the same postal address for the Respondent that was used to send the judgment. There is no reason to doubt that the Respondent received this document. It stated that a response to the claim was required by 27 July 2020. No response was received.
2. A letter was sent to the Claimant on 17 October 2020 explaining that the Respondent had not filed a response and telling him to submit documents quantifying his claim as it might be possible for a judge to give judgment without a hearing. This letter was copied to same postal address for the Respondent that was used to send the judgment. There is no reason to doubt that the Respondent received its copy of this document. There was no reply from the Respondent.
3. The Claimant replied to the letter and the rule 21 judgment was issued without a hearing.
4. The Respondent's email of 4 January 2021 asserts that the Respondent was not told about a hearing on 8 December 2020. That is correct, and the reason is that there was no hearing on that date (or at all).
5. The Respondent's email of 4 January 2021 implies that the judgment has been issued without notification to all parties. That is not correct, for the reasons stated above. The Respondent was notified about the claim, and also about the possibility of judgment being issued because of its failure to respond to the claim by 27 July 2020.
6. The email of 12 January 2021 attaches a form ET3. The email does not assert

that this form had previously been sent to the tribunal, or supply any supporting evidence for any proposition that the form had been previously submitted to the tribunal (albeit the attachment has been given a file name which ends "27 07 20"). The contents of the form suggest that whoever completed it had seen the claim form presented by the Claimant.

7. The email of 12 January 2021 also forwards inadmissible evidence, being communications with ACAS about settlement negotiations. Even were the evidence to be admissible, the contents of those communications from July 2020 are irrelevant to the issue of whether the judgment should be reconsidered.

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Employment Judge **Quill**

11/02/2021

Date \_\_\_\_\_

JUDGMENT SENT TO THE PARTIES ON

15/02/2021

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J Moossavi

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FOR THE TRIBUNAL OFFICE