



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs K Marangakis

v

Iceland Foods Limited

JUDGMENT

1. The claimant's application under rule 71 Employment Tribunals Rules of Procedure 2013 is refused without a hearing.

REASONS

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

1. The claimant's claim was that she was expressly dismissed on 24 January 2019. The Tribunal found that this dismissal vanished as a matter of law when her appeal against dismissal was upheld by the respondent by a letter dated 10 April 2019. There was therefore no dismissal under section 95 Employment Rights Act 1996.
2. The claimant was asked at the hearing by the Judge whether she was pursuing a case for constructive dismissal in the alternative. The claimant confirmed at the hearing that she was not bringing a claim for constructive dismissal (Judgment para 10.8). The claimant's subsequent express dismissal on 16 July 2019 for not attending work was not before the Tribunal.
3. Any delay by the respondent between 10 April and 15 May 2019 to action the claimant's reinstatement does not affect the Tribunal's decision that claimant's contract of employment was reinstated as a matter of law when her appeal against dismissal was upheld.

Employment Judge Loy

Date: ...18 May 2021.....

Sent to the parties on: .19 May 2021.....

.....GDJ.....
For the Tribunal Office