



EMPLOYMENT TRIBUNALS

Claimant

Mr Kelvin MacPherson

v

Respondent

John Lewis Plc

Heard at: Cambridge (by CVP)

On: 19 May 2021

Before: Employment Judge Ord (sitting alone)

Appearances

For the Claimant: Mr O Fuller, Counsel

For the Respondent: Ms A Meredith, Counsel

JUDGMENT on RECONSIDERATION

1. The Judgment dated 27 November 2020 is revoked.
2. The date for presentation of the Respondent's Response is extended to today, 19 May 2021.
3. The Draft Response submitted by the Respondent on 18 December 2020 is accepted as the Respondent's Response to the Claimant's complaints.

REASONS

1. I am satisfied on the balance of probabilities and based upon the evidence filed by way of a Witness Statement from Ms Fitzpatrick that the original Claim Form, sent to the Respondent at Spedan House in Bracknell was not received.
2. The Respondent had systems in place for dealing with post received at that address during the Coronavirus pandemic and I am satisfied on the balance of probabilities that had it been received it would have come to the attention of the Respondent.
3. There is no prejudice to the Claimant in setting aside the Judgment which was entered in default of a Response other than the period of delay which has ensued. He loses a "windfall" victory, but the Respondent clearly has Grounds of Resistance to the Claimant's complaint which are worthy of

being heard. The balance of prejudice falls clearly on the side of allowing the Respondent to resist the claim based on the documents submitted.

4. I note in addition that notwithstanding the fact that the Respondent provided information to all of the Regional Offices of the Employment Tribunal of an email address to which any Claim Form should be sent, in accordance with the Presidential Guidance, no copy of the documents were sent to that email address in this case.

Employment Judge Ord

Date: 8 June 2021

Sent to the parties on: 18 June 21

For the Tribunal Office