



EMPLOYMENT TRIBUNALS

Claimant
Mr F Dhladla

v

Respondent
Abellio London Limited

JUDGMENT ON RECONSIDERATION APPLICATION

1. The claimant's application dated 29 April 2021 for a reconsideration of the judgment dated 29 April 2021 is granted.
2. The judgment dated 29 April 2021 is revoked.
3. An Open Preliminary Hearing will be listed.

REASONS

1. The Tribunal reached its judgment dated 29 April 2021 in the absence of the claimant or his representative.
2. In an email to the Tribunal dated 29 April 2021, the claimant's representative applied for a reconsideration of the Tribunal judgment on a number of grounds one of which was that he was present in the CVP waiting room at 10.26am on the day of the hearing but could not access the hearing. As there had been no attendance at 10am on behalf of the claimant, the Tribunal had set 10.30 am for the commencement of the hearing. The Tribunal and the respondent's solicitor were in the hearing room and did not see the claimant's representative as either being present or waiting to be admitted to the hearing.
3. Rule 70 of the Employment Tribunal Rules of Procedure 2013 provides:
"A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again."
4. The Tribunal invited the respondent to comment on the claimant's application. It did so by letter dated 16 June 2021 and made a number of cogent points.

5. It remains the case that the claimant had appointed a representative to attend the hearing and he was unable to do so for some unknown technical reason. This Tribunal has had sufficient experience of CVP to know that it does not always function as it should. The Tribunal considers that this constitutes grounds for revisiting the judgment within the scope of its powers of reconsideration under Rule 70 of the Employment Tribunal Rules of Procedure 2013.

6. The claimant's application for reconsideration of the judgment sent to the parties on 29 April 2021 is granted and the original decision of the Tribunal is revoked.

Employment Judge Truscott QC
Date: 9 July 2021

Sent to the parties on
Date: 13 July 2021