



EMPLOYMENT TRIBUNALS

Claimant: Miss A Secundo
Respondent: Just Colour Limited

JUDGMENT

The respondent's application for reconsideration of the judgment sent to the parties on 16th March 2021 is granted.

The Judgment is revoked, exercising powers pursuant to Regulations 70-72 Schedule 1 Employment Tribunals (C&RP) Regulations 2013 and does not take effect.

REASONS

1. The claimant brought a claim for unlawful deduction from pay and unpaid holiday on 7th November 2020.
2. The claim was initially served on the respondent's on 24th November 2020, during a period of national lock-down, on the trading premises in the Trafford Centre. It was then re-sent to the registered office which was the respondent's accountants on 26th January 2021.
3. No response was received, and judgment was issued on 16th March 2021 in the claimant's favour.
4. On 31st March 2021, the respondent contacted the Tribunal stating that it had just received the Judgment, forwarded from his accountants and that the earlier correspondence had not been received as the premises had been closed and seeking reconsideration of the judgment.
5. The respondent provided further details in an email of 8th April 2021.
6. The application for reconsideration was made beyond the 14 day time limit, however I applied my case management powers under Rule 5, given the circumstances; it was clear that the respondent sought a reconsideration promptly upon receiving the judgment.
7. I considered that there was a reasonable prospect of the judgment being varied or revoked and sought the parties' views on whether the reconsideration could be dealt with in writing or required a hearing. The respondent has provided grounds upon which the matter could be determined in writing and the claimant has not replied.
8. I have decided this matter based on the written grounds and information provided. It is clear that the respondent has attempted to engage in the litigation process and has an arguable defence to the claim and that it would be in the interests of justice for me to revoke my judgment and allow the claim to be defended.

Case No: 2417683/2020

9. I have listed the case for hearing and given directions which will be sent to the parties separately.

Employment Judge Howard
DATE 20th July 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON

22 July 2021

FOR THE TRIBUNAL OFFICE