



EMPLOYMENT TRIBUNALS

Claimant: Mr D Cavanaugh

Respondent: Folsana Pressed Sections Limited

UPON APPLICATION made by letter dated **25 January 2021** to reconsider the judgment dated **11 January 2021** under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

1. The dismissal of the claim for unlawful deduction from wages is revoked.
2. The dismissal of the claims for unfair dismissal, wrongful dismissal and detriment because of a protected disclosure are confirmed.

REASONS

1. In accordance with rule 72 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, I considered the claimant's application under rule 71 for a reconsideration of the judgment I gave in this matter on 11 January 2021.

2. On 13 April 2021 the parties were informed, in accordance with 72(1), of my provisional view on the application – that the dismissal of the unlawful deduction from wages claim should be revoked, but the dismissal of all other claims would be confirmed. The respondent was asked to provide a response to the application and both parties were asked to comment upon whether it was necessary to convene a hearing to determine the application.

3. On 7 May 2021 the respondent submitted that it did not object to the reconsideration of the judgment in so far as it revoked the dismissal of the unlawful deduction from wages claim, provided it was agreed that the scope of that claim was limited to whether there had been one unlawful deduction in December 2019/January 2020.

4. On the same date the claimant submitted that the Tribunal should not consider the question of whether there had been a series of deductions prior to reaching a decision on the reconsideration application.

5. The preliminary hearing on 9 November 2020 was to determine whether the claimant's claims were brought within the relevant time limits.
6. The parties presented evidence and made submissions as to whether it was reasonably practicable for the claimant to bring his claims within the respective time limits and/or whether he had brought his claims within such further period as was considered reasonable.
7. The judgment of 11 January 2021 dismissed all claims because, whilst I concluded that it was not reasonably practicable for the claimant to bring his claims within the prescribed time limits, he did not bring his claims within such further period as was considered reasonable.
8. The dismissal of the unlawful deduction from wages claim has been revoked because the claimant claims he was subject to unlawful deductions, the last of which occurred in December 2019/January 2020. The claimant lodged his employment tribunal claim form on 29 January 2020 and therefore within the three month time limit prescribed by section 23 of the Employment Rights Act 1996.
9. The parties did not present evidence or make submissions on whether the claim for unlawful deduction from wages included a series of deductions for the purposes of section 23(3)(a) of the Employment Rights Act 1996 and I was not asked to determine this issue.
10. The issue of whether the claimant was subject to a series of unlawful deductions or in fact, any unlawful deduction, remains to be determined before the Tribunal at a final hearing.

Employment Judge Ainscough

Date: 21 July 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON

23 July 2021

TRIBUNAL OFFICE

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