



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Newitt

**Respondents:** WWAC Automotive Ltd (1)  
WWAC Automotive Engineers (2)  
Woodley Auto Care Ltd (3)

## JUDGMENT (RECONSIDERATION)

1. The first respondent's application of 12 July 2021 for reconsideration of the judgment sent to the parties on 9 July 2021 is refused.
2. The responses of all three respondents remain struck out.

## REASONS

1. By a letter dated 23 May 2021 the Tribunal gave the respondents an opportunity to make representations or to request a hearing, as to why the responses should not be struck out because the respondent had not complied with the orders of the tribunal dated 10 February 2021.
2. The respondents failed to make representations in writing why this should not be done or to request a hearing. The responses were struck out on 17 June 2021.
3. An application has been made by Croner on behalf of the first respondent for reconsideration of the strike out decision. The claimant's representative sent objections to the application on 13 July 2021.
4. I considered the application under rules 70 to 72 of the Employment Tribunal Rules of Procedure 2013. Rule 70 provides that a judgment may be reconsidered where it is necessary in the interests of justice to do so. On reconsideration the original decision may be confirmed, varied or revoked. Rule 72 says:

*"An employment judge shall consider any application made under rule 71. If the judge considers that there is no reasonable prospect of the original decision being varied or revoked..., the application shall be refused and the tribunal shall inform the parties of the refusal."*

5. In its application of 12 July 2021, Croner accepts that the first respondent did not reply to the tribunal's letter of 23 May 2021 and did not make representations as to why it had not complied with the tribunal's case management orders of 10 February 2021. Croner says that the tribunal's letter of 23 May 2021 was sent direct to the first respondent. However, at that time Croner were not on record as the first respondent's representative, no contact details for Croner having been sent to the tribunal. Croner's email of 17 June 2021 crossed with the judgment of 17 June 2021. Croner has not provided any explanation as to why the first respondent did not reply to the letter of 23 May 2021 or why it failed to comply with the case management orders of 10 February 2021.
6. Having considered the application, I have concluded that the interests of justice do not require a reconsideration of the judgment and there is no reasonable prospect of the original decision being varied or revoked. The first respondent's application for reconsideration is therefore refused under rule 72(1).
7. The hearing to decide the claimant's claim will proceed on 29 July 2021 at 10.00am. The respondents will be entitled to notice of the decisions of the tribunal (and to notice of any other hearings) but will only be entitled to participate in any hearing to the extent permitted by the Employment Judge.

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Employment Judge Hawksworth

16 July 2021

JUDGMENT SENT TO THE PARTIES ON

27 July 2021

FOR THE TRIBUNAL OFFICE