



EMPLOYMENT TRIBUNALS

Claimant
Ms S Pruce

v

Respondent
Bubbles Nurseries Limited

JUDGMENT ON RECONSIDERATION APPLICATION

The claimant's application dated 13 July 2021 for a reconsideration of the judgment dated 28 June 2021 is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. In a Judgment dated 28 June 2021, the Employment Tribunal determined that the claimant's claim of unfair dismissal had not been lodged within the requisite time period and that it had been reasonably practicable to do so.
2. In an email to the Tribunal dated 13 July 2021, the claimant applied for a reconsideration of the Tribunal judgment and attached a statement and a letter from her GP. The respondent submitted a letter dated 20 July 2021 giving reasons why the application should be dismissed.
3. The claimant's statement narrates that she contacted two members of Tribunal staff who told her that evidence was not required for the hearing. The claimant narrates her mental health issues and the medication she received. The letter from her GP confirms that she consulted the practice in October and December 2019 with stress and supports her evidence that she was prescribed sertraline in May 2020 and this was increased to 100 mg in July 2020.
4. The period of concern in this case is 25 June 2020 to 24 September 2020. The Tribunal accepted the claimant's evidence at the original hearing that she was prescribed medication for her depression. The new statement and GP letter confirm that evidence. What the Tribunal did not know and still does not know is why the claim could not be presented within the time limit when the claimant knew about it. The Tribunal did not understand that the medication would prevent the claimant submitting

the claim nor how it came about that the claim could be presented in October when her mental health condition was no better.

5. 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.”
6. The Tribunal considers that there are no grounds for revisiting the judgment within the scope of its powers of reconsideration under Rule 70 of the Employment Tribunal Rules of Procedure 2013.
7. The claimant’s application for reconsideration of the Judgment dated 28 June 2021 is refused because there is no reasonable prospect of the original decision of the Tribunal being varied or revoked.

Employment Judge Truscott QC
Date 27 July 2021

Sent to the parties on:
Date: 29 July 2021