



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr K Busby

and

Respondent
Reach PLC

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT: BRISTOL ON: 23RD JULY 2021

EMPLOYMENT JUDGE MR P CADNEY
(SITTING ALONE)

APPEARANCES:-

FOR THE CLAIMANT:- WRITTEN SUBMISSIONS

FOR THE RESPONDENT:- WRITTEN SUBMISSIONS

JUDGMENT

The judgment of the tribunal is that:-

1. The default judgment entered on 10th May 2021 is revoked.
2. Permission is granted to the respondent to extend time for the submission of the ET3.
3. The case will be listed for hearing.

Reasons

1. By a claim form submitted on 4th December 2020 the claimant brought claims of unfair dismissal, wrongful dismissal and the failure to pay redundancy pay. The claim was served on the respondent but no response was received. On 10th May 2021 EJ Midgely issued a default judgment in respect of liability only.
2. On 4th May 2021 the respondent emailed the tribunal to say that it had been brought to their attention that the claim number related to a claim against the respondent, and on 10th May 2021 sought an update on the query. On the same day the respondent's solicitors wrote stating that the respondent had not received the ET1 and only became aware of the claim on 30th April 2021 via the ACAS conciliator. On

17th May the respondent submitted a draft response and an application to extend time. On the same day the claimant wrote objecting to any extension of time being granted to the respondent. Following a query from the tribunal the respondent sought a hearing to determine the application whilst the claimant contended that the application could be determined on the papers. The claimant subsequently confirmed that it did not challenge the factual basis of the application and accordingly it is being determined on the basis of the written application and objection.

3. The starting point for consideration of the application is, therefore the respondents unchallenged assertion that it had not received the ET1 and had not been aware of the proceedings until 30th April 2021. In addition the draft response clearly asserts both a factual and legal defence to all the claims. The claimant contends that he was dismissed in September 2020, that if the application is granted there will have been something like a six month delay which is not of his making and that the prejudice to him in permitting the application outweighs that to the respondent in rejecting it.
4. In my judgement the interests of justice clearly favour setting aside the default judgment and permitting the respondent to defend a claim of which it was unaware and to which it may have a complete defence.
5. Directions for the hearing will be given separately.

Employment Judge Cadney
Date: 23 July 2021

Sent to the Parties: 03 August 2021

FOR THE TRIBUNAL OFFICE