



EMPLOYMENT TRIBUNALS

Claimant:

Jencin Mathew

Respondent:

Service to the Aged

v

Heard at:

Reading

On: 19 July 2021

Before:

Employment Judge Chudleigh

JUDGMENT

UPON RECONSIDERATION UNDER RULE 70

1. Paragraphs 2 to 7 of the judgment sent to the parties on 8 March 2021 are revoked.
2. The Tribunal is to serve a copy of the ET1 on the respondent together with this judgment.
3. Time for entering a response by the respondent is extended to 28 days from the date that this judgment is sent to the parties.
4. The matter is to be fixed for a three-day hearing to consider liability and remedy on the next available dates. A Notice of Hearing is to be sent to the parties with this judgment together with standard directions.

REASONS

1. These proceedings were commenced on 30 June 2020. The ET1 was served on the respondent at Freshwater House, 158-162, London WC2H 8HR. This was the respondent's registered office until 4 March 2021.
2. The respondent did not receive the ET1. I accept the account given by Stephen Jonathan Goldberg in his witness statement dated 27 May 2021. The non-receipt of ET1s has been a familiar occurrence over the period since the COVID 19 pandemic started with many people working from home.

3. Judgment was given on 23 February 2021 in the absence of the respondent and of a response.
4. The respondent became aware of these proceedings for the first time on 20 May 2021 when they received documents from the County Court in connection with enforcement.
5. I have the power under rule 70 of the Employment Tribunal Rules to reconsider any judgment where it is necessary in the interests of justice to do so.
6. It is overwhelmingly in the interests of justice for the judgment to be revoked. I have accepted the respondent's explanation for non-compliance, the defence is arguable and the balance of prejudice clearly favours the revocation of the judgment so the matter can be tried on its merits with the participation of the respondent.
7. The matter will be listed for a three-day hearing as soon as possible. The parties are to notify the Tribunal within 14 days of promulgation of this judgment if they consider the time estimate is inadequate. They are also to co-operate to agree a list of issues and to ensure the adequate preparation of this case for hearing.

Employment Judge Chudleigh

Date: 19 July 2021

Sent to the parties on: 20/8/2021

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For the Tribunal Office