



EMPLOYMENT TRIBUNALS

Claimant: Mr G Davies

Respondent: Tithebarn Limited

CERTIFICATE OF CORRECTION Employment Tribunals Rules of Procedure 2013

1. This is the Claimant's application to request an amendment to the date when the written record of the decision of the Tribunal was sent to the parties. The record of the decision was sent by the tribunal by email to the Respondent's representative and to the Claimant directly on 20th July 2021.
2. The Claimant's representative (Mr Vidini) says that the Claimant did not check his emails owing to his depression and it was not until he chased the Tribunal for an update on where the judgment was on 4th August that he became aware that it had been forwarded directly to the Claimant's email. The Tribunal then sent Mr Vidini the record directly on 5th August.
3. The Claimant's representative contends that this was an omission that has set the timetable back insofar as preparing for any lodging of an appeal is concerned. Given the Claimant's ill health there is a requirement for additional time for the taking of instructions. He says that the Claimant is suffering from a depressive episode at present.
4. The Respondent objected to the application on the basis that the claim was properly served and that the Claimant had not provided medical evidence in support of any application. It was submitted that notwithstanding the fact that the record was sent directly to the Claimant he or his representative would still have been able to submit a protective appeal within the relevant time limits.
5. Under Rule 69 an Employment Judge has the power to correct any clerical mistake or other accidental slip or omission in any order, judgment or other document produced by the Tribunal.
6. Under Rule 86(1)(c) documents may be delivered to a party (whether by the Tribunal or by another party) by electronic communication.
7. Under Rule 86(2) the document shall be delivered to the address given in the claim form or response (which shall be the address of the party's representative if named) or to a different address as notified by the party in writing by the party in question.

8. Rule 86(2) makes it mandatory for correspondence to be sent to the Claimant's representative if named and Mr Vidini's email address appears at box 11 of the claim form.
9. I have therefore corrected this slip by re-dating the judgment being sent to the parties on 5th August.

Employment Judge A Frazer
Dated: Tuesday 5th October 2021

SENT TO THE PARTIES ON 6 October 2021

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FOR THE SECRETARY OF EMPLOYMENT
TRIBUNALS Mr N Roche