



EMPLOYMENT TRIBUNALS

Claimant: Miss S Argent

Respondent: Chloe Etherington

UPON APPLICATION made by email dated **15 June 2020** to reconsider the rule 21 judgment dated **15 April 2020** under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

The judgment of 15 April 2020 is confirmed.

REASONS

1. On 15 April 2020 I issued a rule 21 judgment providing for the respondent to pay unpaid wages and holiday pay to the claimant. This followed a preliminary hearing that took place on 15 April 2020.
2. On 15 June 2020 the respondent's representative sent an email to the tribunal asking for a review of the judgment, enclosing an email dated 6 April 2020 in which the respondent's representative had asked for the preliminary hearing to take place face-to-face rather than on the telephone. I was not aware of this email at the time of the hearing. There were delays in referring the email of 15 June 2020 to me, as explained in the tribunal's letter of 3 July 2020. In that letter I said that I would take the application for review as an application for reconsideration of the judgment, and set out my provisional view on that application as follows:

"My provisional view on the application is that while the hearing on 15 April 2020 proceeded in ignorance of the respondent's email of 6 April 2020, the respondent has not yet set out any basis for saying that the judgment of 15 June 2020 is incorrect or needs to be varied, nor have any formal grounds of resistance (along with an application for extension of time to accept those grounds of resistance) been submitted ..."

3. The process set out for reconsideration without a hearing under rules 70-72 has since been followed. All that has been received is: (i) an email from the

respondent's representative saying what had been previously paid to the claimant and saying "*we don't believe that she is due any holiday pay as she did not work long enough*" and (ii) an email from the claimant saying that the judgment has not been paid by the respondent. No formal grounds of resistance have been submitted.

4. The position therefore remains as it was at the time I expressed my provisional view, and for the same reasons I now find that the judgment should be confirmed. The claim remains unopposed, as no grounds of resistance have been filed by the respondent. Saying how much the claimant has been paid is not an answer to the question of how much more may be due to her, and the respondent has not explained how a relatively short length of service means the claimant is not entitled to holiday pay. On reconsideration, the judgment is confirmed.

Employment Judge Anstis

2 November 2021

JUDGMENT SENT TO THE PARTIES ON

22 November 2021

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FOR THE TRIBUNAL OFFICE