



EMPLOYMENT TRIBUNALS

Claimant: Miss S Duffus

Respondent: Mutual Group Limited

JUDGMENT

The Respondent's application for the Judgment of 17 November 2021 to be reconsidered is refused.

REASONS

1. The Respondent's application for reconsideration has been made outside the 14-day time limit provided for by Rule 71 of the Tribunal's Rules of Procedure. The Judgment was sent to the parties on 18 November 2021. The application for reconsideration was not made until 9 December 2021. The Respondent said that, because of delays in getting its post, it did not receive the Judgment until "a week ago". Assuming the Judgment was not received by the Respondent until 2 December 2021, it would still have had time to make its application before the time limit expired. It does not explain why it has delayed a week in making the application nor why it has not made appropriate arrangements to collect post in a timely manner from the address the Tribunal has been using for service, which is its registered office. The Tribunal can identify no basis on which it should exercise its discretion to extend time for the application to be made.
2. In any event, even if the application had been made in time, the Tribunal would have refused it. The Respondent's proposed response to the claim has no reasonable prospect of success. The Claimant's claim is for non-payment of wages during a period of furlough. The Respondent appears to believe that it is only a "middle man" in the Claimant's furlough application and says that she was not paid because it had not received payment from HMRC under the Furlough Scheme. In law, an employer is responsible for paying its employee her wages at the agreed rate. Whether or not it then receives funding for some or all those payments from the Furlough Scheme is a separate matter and does not affect the employer's liability for the employee's wages.

3. As the Tribunal does not consider there to be any reasonable prospect of its Judgment being varied or revoked, the Respondent's application for reconsideration is refused under Rule 72(1) of the Tribunal's Rules of Procedure.

Employment Judge Cox
Date: 14 December 2021