



EMPLOYMENT TRIBUNALS

Claimant: Miss E. Die

Respondent: H2C Gelati Ltd t/a Amorino

JUDGMENT

The respondent's application dated **17 December 2021** for reconsideration of the judgment sent to the parties on **11 June 2021** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because based on the evidence presented by the parties at the full merits hearing on 11 June 2021 the Tribunal found that:
 - (i) the claimant had been suspended without pay from 24 June 2020 to 6 July 2020 (document 22 in the trial bundle), and that was in breach of her contract. Therefore, by failing to pay to the claimant her wages for that period the respondent had made an unlawful deduction from her wages and was ordered to pay to the claimant the gross sum of £684 with respect to the wages unlawfully deducted and to account to HMRC for any tax and NI due.
 - (ii) during then current leave year (from 1 April 2020 to 6 July 2020) the claimant had accrued 1.49 weeks of holiday, which translates into 10.43 days. The respondent paid the claimant only for 3.49 days of the accrued holiday (documents 24 and 25 in the trial bundle). By failing to pay to the claimant for the balance of 6.94 days the respondent had made an unlawful deduction from her wages. Accordingly, the Tribunal ordered the respondent to pay to the claimant the sum of £527.44 (gross) with respect to the wages unlawfully deducted and to account to HMRC for any tax and NI due.
2. The application does not disclose any new facts or circumstances, which would justify revisiting the original decision. The respondent appears to be attempting to

re-argue the case without presenting any reasons or new evidence, which would not have been reasonably available to it at the hearing.

3. In any event, finality of litigation is an important public policy principle, and tribunal decisions should not be reopened or relitigated, except in limited circumstances when the interests of justice clearly demand so.
4. For these reasons the Tribunal does not consider that it is necessary in the interest of justice to reconsider the Judgment.

Employment Judge **Klimov**

Date **20 December 2021**

JUDGMENT SENT TO THE PARTIES ON

21/12/2021.

FOR THE TRIBUNAL OFFICE