



EMPLOYMENT TRIBUNALS

Claimant: Ms M Tanghano

Respondent: Sodexo Ltd

JUDGMENT

Upon reconsideration under rules 70-72 of the Employment Tribunals Rules of Procedure 2013 the judgment sent to the parties on 17 August 2021 is revoked.

REASONS

1 On 17 August 2021 the Tribunal sent a judgment to the parties striking out the claim. On 14 September 2021 the Claimant applied for reconsideration of the judgment. Both parties agreed that the application should be considered on paper without a hearing.

2 The facts giving rising to this application are as follows.

3 On 27 February 2020 United Voice of the World (“UVW”), who represented the Claimant, presented the claim to the Tribunal. Its address at the time, which appeared on the claim form, was 39 York Road in London SE1 and its email address was uvwtribunal@gmail.org .

4 On 23 March 2021 Cormac Devlin of UVW sent an email to the Tribunal attaching a copy of the claim. He said that the claim had been submitted on 27 February 2020 but that they had never received an acknowledgement or a response form the Respondent. His email address was cormac@uvwunion.org.uk .

5 The Tribunal did not reply to his email but is seemed to have spurred the Tribunal into action. The claim was processed on 29 March and standard directions and notices of a preliminary hearing on 5 May 2021 and a full merits hearing were sent to both parties. It was sent to the Claimant’s representative at the address on the claim

form. UVW had moved from that address and its email address had changed. It never received that communication.

6 The Respondent presented its response on 27 April 2021 and it was sent to UVW at its old address on 27 May 2021. It never received that.

7 Neither the Claimant nor her representative attended the preliminary hearing on 5 May 2021 because they were not aware of it.

8 On 19 May and 8 June 2021 the Respondent wrote to the Tribunal that the Claimant was not actively pursuing her claim because she had not attended the preliminary hearing and had not complied with any of the Tribunal's orders. That was copied to UVW's old email address. UVW did not receive it.

9 On 28 June 2021 the Tribunal wrote to the Claimant that a judge was considering striking out her claim and asked her to give reasons why it should not be struck out by 5 July 2021. That was sent to the old address. UVW did not receive it.

7 On 30 June 2021 Maya Thomas-Davis at UVW sent the Tribunal an email repeating that the claim had been presented on 27 February 2020 but that they had never received an acknowledgment or a response form. The Tribunal did not respond to that email.

8 On 17 August 2021 I struck out the claim as the Claimant had not responded to the Tribunal's letter of 28 June 2021. The emails from Mr Devlin and Ms Thomas-Davis were not on the Tribunal file when I struck out the claim.

9 On 3 September 2021 Ms Thomas-Davis sent another email to the Tribunal raising the same issues as before. On 8 September 2021 an Administrative Officer responded that the claim had been struck out and explained why. She attached to the email some of the communications that had been sent to UVW.

10 On 14 September 2021 Ms Thomas-Davis applied for reconsideration of the judgment striking out the claim. She said that UVW's physical and email address had changed after the claim form had been presented, and that both herself and Mr Devlin had written to the Tribunal on several occasions to inquire about the progress of the case but had not received any response.

11 The Tribunal wrote to the parties on 23 September that I had extended time for making the application for reconsideration and that my provisional view was that the application should be granted.

12 Having considered the representations made by both parties, I consider that it is in the interests of justice to reconsider the judgment of 17 August 2021 and to revoke it. The Tribunal did not progress the case for one year. During that time the Claimant's representative's address (physical and email) had changed. The Tribunal did not respond to several emails from UVW and failed to note the change of the email address. The Claimant did not receive the communication from the Tribunal and it took steps to actively pursue the case and to progress it.

13 The Tribunal will list a preliminary hearing as soon as possible to progress the

Employment Judge - Grewal

Date: 20/12/2021

JUDGMENT & REASONS SENT TO THE PARTIES ON
20/12/2021.

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FOR THE TRIBUNAL OFFICE