



EMPLOYMENT TRIBUNALS

Claimant

Miss J Hegarty

v

Respondent

Norton Industrial Fasteners Limited

Heard at: Bury St Edmunds (by CVP)

On: 07 December 2021

Before: Employment Judge KJ Palmer (sitting alone)

Appearances

For the Claimant: In person.

For the Respondent: Kevin Smith (Director).

JUDGMENT

The Judgement of Employment Judge Ord dated 15 December 2020 is set aside. Time is extended to validate the ET3 filed by the respondent on 22 March 2021.

REASONS

1. This matter came before me today listed as an Open Preliminary Hearing to be conducted by Cloud Video Platform. The nature of the hearing was as follows:
 - (i) To deal with the respondent's application for a reconsideration of the Judgment of 15 December 2020;
 - (ii) To deal with the respondent's application for an extension of time to validate an ET3 presented on 22 March 2021; and
 - (iii) If necessary deal with appropriate calculations on remedy or the making of further case management orders.

Respondent's application to reconsider the Judgment of 15 December 2020

2. The claimant presented a claim to the Watford Employment Tribunal in an ET1 filed on 4 August 2020. In it she indicated she was pursuing claims for unfair dismissal, wrongful dismissal, disability discrimination and sex discrimination. The ET1 was largely unparticularised.

3. No response was received from the respondent and accordingly EJ Ord entered a Judgment under rule 21 on the 15 December 2020. He indicated that there needed to be a remedy hearing, this was fixed for 29 April 2021. EJ Ord also made various orders to be complied with prior to the remedy hearing.
4. The respondent makes an application today to set aside that Judgment. They do so on the basis that they did not at any stage and still have not received the original ET1 and the proceedings pursuant to the claimant's application in August of 2020. They say the first they knew of these proceedings was when, on 4 January this year they received a copy of the Judgment of 15 December and pursuant to that they make this application and a further application to validate by way of extension of time an ET3 filed by them on 22 March 2021.
5. I heard from Kevin Smith a Director of the respondent and he explained to me that the only documents they had ever received was a copy of the Judgment on 4 January 2021. He said that the post code entered by the claimant in her ET1 being SG6 1LP was incorrect and that that might have accounted for their failure to receive the proceedings. He said the correct post code was SG6 1NR. He said ultimately however the Judgment was sent to the wrong post code but took nearly 3 weeks to finally arrive at the respondent in January of 2021. He said at no stage had they ever received the ET1 and this still remains to be the case.
6. Having heard from Mr Smith I have no reason to disbelieve that the respondent did not see these proceedings. Accordingly, they were unable to file an ET3 and that led to the Judgment under rule 21 being issued. I have read their ET3 and on the face of it, it would appear that they have an arguable defence in that there is clearly going to be a huge dispute on the evidence in this matter.
7. Accordingly in the interests of justice and taking into account the overriding objective I set aside the Judgment of 15 December 2020 and I extend time to validate the ET3 filed on 22 March 2021.

Employment Judge KJ Palmer

Date: 09 December 2021

Sent to the parties on: 6/1/2022

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For the Tribunal Office