



EMPLOYMENT TRIBUNALS

Claimants: A and B

Respondents: (R1) C
(R2) D
(R3) E

Heard at: Nottingham **On:** 22 February 2022

Before: Employment Judge Blackwell

Reconsideration application pursuant to Rules 70 & 71 of the first schedule of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

UPON APPLICATION made by email letter dated 22 December 2020 to reconsider the judgment sent to the parties on 12 November 2019 under rule 71 of the Employment Tribunals Rules of Procedure 2013:

JUDGMENT

1. B's application for a reconsideration dated 22 December 2020 is refused because it is significantly out of time.

REASONS

1. B's application of 22 December 2020 relates to a judgment sent to the parties on 12 November 2019 and in particular relates to a discrepancy contained in paragraph 17 of that judgment. The Respondent appealed that judgment and that appeal was unsuccessful by reason of a decision of Lord Summers sitting alone on 22 May 2020.
2. B states in a supplementary email of 8 February 2021 as follows:-

"... When the Respondents appealed the Judgement, I submitted a cross appeal seeking to correct this aspect of the Judgement, (ie

paragraph 17) *but was told by Lord Summers this was not the right approach and that I should seek to apply for a reconsideration as opposed to cross-appealing. The formal application was made as soon as I was aware that this was the proper and necessary way to achieve this.*

...”

3. Thus, B has been aware that she needed to make an application for a reconsideration as long ago as May 2020.
4. She did not do so until 22 December 2020.
5. I have a general power to extend time under rule 5:-

“Extending or shortening time

5. The Tribunal may, on its own initiative or on the application of a party, extend or shorten any time limit specified in these Rules or in any decision, whether or not (in the case of an extension) it has expired.”

6. However, that discretion must be exercised judicially but, in view of the initial delay, ie between November 2019 and May 2020 and the subsequent delay as between May 2020 and the application of 22 December 2020, I see no basis for exercising that discretion in B’s favour. Her application is therefore refused.

Employment Judge Blackwell
Date: 1 April 2021