



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Rose  
**Respondent:** Prismex UK Limited

## JUDGMENT

The respondent's application dated **2 December 2021** for reconsideration of the judgment sent to the parties on **14 October 2021** is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. On 23 July 2021 the claimant submitted a claim for expenses and seven days pay (during his notice period). The address he gave for the respondent was, at the time, its registered office.
2. On 1 September 2021 this claim form was sent to the respondent at what was then its registered office.
3. The respondent changed its registered office on 8 October 2021.
4. No response was filed by the respondent and on 14 October 2021 I prepared a rule 21 judgment for the amounts claimed by the claimant. This was sent to the respondent at its new registered office on 4 November 2021.
5. On 9 & 11 November 2021 the respondent wrote to say that it had not received any previous correspondence from the tribunal, and that "this may have been due to us moving premises".
6. On 28 November 2021 I asked tribunal staff to write to the respondent in the following terms: "If the respondent wishes to dispute the rule 21 judgment it must apply for reconsideration or take such steps as it considers appropriate, as set out in the letter accompanying the judgment."

7. On 2 December 2021 the respondent submitted an application for reconsideration, dated 28 November 2021. This was referred to me on 20 December 2021.
8. Given this correspondence and the fact that the respondent has intimated the basis of its application for reconsideration within 14 days of the judgment being sent to it, I extend time for submission of its formal application for reconsideration to 2 December 2021.
9. The respondent has not submitted any response form (ET3).
10. The application for reconsideration is to the effect that the claimant only worked 2 or 3 days before giving notice on 7 July 2021, that the claimant did not work out his notice, and had been paid £35.50 expenses on 30 July 2021.
11. The application for reconsideration also said that an appeal had been submitted to the EAT, but I have no information on that appeal.
12. The application for reconsideration is refused on the following basis:
  - a. There remains no response form (ET3) submitted by the respondent. If the judgment were reconsidered we would still be in the same position that no response form had been submitted or accepted, and the respondent would still be liable to a rule 21 judgment.
  - b. The respondent has provided no explanation as to the efforts that it made to find any correspondence from the tribunal, or why such correspondence could not be found. It appears to have been validly sent to the respondent's then registered office.
  - c. The application for reconsideration effectively says that the claimant could not work his notice period because he did not have an active mobile phone during this time – but there is nothing to say what the respondent did about this or that the respondent brought his employment to an end earlier than his notice period would otherwise have expired. If, as appears from the reconsideration application, the claimant remained employed during his notice period he is, on the face of it, entitled to be paid for that notice period.

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Employment Judge **Anstis**

Date 10 January 2022

JUDGMENT SENT TO THE PARTIES ON

27/1/2022

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FOR THE TRIBUNAL OFFICE