



EMPLOYMENT TRIBUNALS

Claimant: Mrs I Abele

Respondent: J Sainsbury Plc

UPON a reconsideration of the judgment dated **22 September 2021** on the Respondent's application under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

The Judgment of 22.9.321 is overturned and the claim dismissed

Reasons

1. Judgement having been given on 22 September 2021, the respondent then contacted the employment tribunal on 4 November 2021 to advise that the parties had entered into a legally binding COT3 agreement on 3 March 2021 in which the claimant agreed to waive her claim against the respondent under case number 230 0319/021.
2. This information had not been before the employment tribunal at the date the judgement was made. I therefore decided that in the interests of justice the judgement should be reconsidered and I asked both parties to provide reasons why it should not be by 17 November 2021.
3. The claimant responded on 17 November stating that she had accepted the agreement terms without carefully reading it. She has therefore confirmed that she accepted the terms of a binding settlement.
4. In those circumstances, as both parties agree that a binding agreement had been entered into, albeit one the claimant is now unhappy with, the tribunal has no jurisdiction to determine the claim which should have been dismissed on withdrawal by the claimant. For that reason I have therefore decided to overturn the judgement and to dismiss the claim.

Employment Judge **Mclaren**

01/02/2022

11.12 Judgment on reconsideration – no hearing - rules 70 and 73