



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4116996/2018

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Employment Judge: Robert Gall

Mrs C Walton

Claimant

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Sunny-Sid3up Charity Shop

Respondents

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RECONSIDERATION OF JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of 5 October 2018, is reconsidered. On reconsideration, it is revoked. Time for receipt of Form ET3 is extended. Form ET3 submitted on 12 October 2018 is accepted. The claim will proceed as defended.

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REASONS

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1. In this case no form ET3 disputing the claim was received within the time limit permitted for that to occur. In terms of Rule 21, Judgment on liability was signed on 5 October 2018. It was issued to parties on 9 October 2018.
2. On 12 October 2018 the tribunal received form ET3 from the respondents with a request that the Judgment be reconsidered. A defence to the claim was set out.
3. The claimant was asked for any comments. Any comments were to be made by 7 November. No reply was received from the claimant.

E.T. Z4 (WR)

4. I considered the application. It seemed to me that it was in the interests of justice to grant the application for reconsideration and, on reconsideration, to revoke the Judgment dated 5 October 2018. The claim may or may not be successful. Allowing it to be defended preserves the right to proceed with the claim. It means that a defence to the claim is entered and the Tribunal will ultimately determine if the claim is to be successful and, if it is, what remedy will be awarded. If the Judgment stands and no defence is permitted, it may be that the claimant receives an award which might not be granted if a stateable defence was permitted to be entered.
5. I appreciate that form ET3 is submitted late. An explanation is given for the failure to lodge it within time.
6. I am satisfied that, in the circumstances, it is in the interests of justice to reconsider the Judgment and, on reconsideration, to revoke the Judgment, allowing time to be extended for receipt of form ET3.
7. The case will therefore proceed as defended. Date listing letters should be sent to the parties and "standard orders" issued.

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Employment Judge: R Gall
Date of Judgment: 18 December 2018
Entered in register: 21 December 2018
and copied to parties

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