



EMPLOYMENT TRIBUNALS

Claimant: Mr F Alves

Respondent: Team Support Staff Limited

JUDGMENT

The claimant's application dated **15 February 2021** for reconsideration of the judgment sent to the parties on **2 February 2021** is refused.

REASONS

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

1. The part of the judgment the respondent seeks reconsideration of relates to the calculation of July 2020 wages under the Coronavirus Job Retention Scheme ("CJRS").
2. The claimant's Grounds of Claim (paragraph 16) clearly set out a claim in respect of a miscalculation in the relevant period. The claimant's witness statement dealt with this in detail (paragraph 10).
3. The claimant put forward clear evidence that the last 3 days of July 2019 had not been taken into account in calculating his July 2020 wages under the CJRS. Mr Taylor's evidence (for the respondent) was that three days were cut off, but would have been paid to the claimant later, but had no means of evidencing that.
4. The respondent, in seeking a reconsideration of the judgment is seeking to put forward evidence that it could have and should have put forward at the final hearing. This matter was put in issue as early as the ET1, and the respondent could have marshalled its evidence to deal with the point.
5. In the circumstances, it is not in the interests of justice to allow the respondent to put forward evidence to reopen the judgment which it should have advanced at the hearing.
6. Finally, the respondent's application for a reconsideration of the judgment on 15 February 2021 was, by an administrative oversight, not brought to

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the judge's attention until very recently. Apologies to both parties for the length of time that it has taken to deal with this application.

Employment Judge **Heath**

Date 14 March 2022 _____
JUDGMENT SENT TO THE PARTIES ON

.15/03/2022

FOR THE TRIBUNAL OFFICE