



EMPLOYMENT TRIBUNALS

Claimant: Mr Rosario Di Rosa

Respondent: Gardarica Limited

JUDGMENT

The application for an extension of time present a response and reconsideration of the rule 21 Judgment sent to the parties on the 11 January 2022 is refused.

REASONS

1. The claimant presented his claim on 5 July 2021. The claim was sent to the respondent by post on 3 August. The date for presenting a response to the claim was on 31 August 2021. In its application for an extension of time to present a response out time, made on 24 December 2021, the respondent confirmed that *“upon becoming aware of the Claimants claim employed an individual to investigate the matters and provide a response to the Claimants allegations”*. Although the date of receipt of the claim is not specified, I am satisfied that the respondent received the claim in time to present a response by 31 August 2021.
2. The respondent then goes on to explain that *“due to unexpected health concerns of the individual investigating, the Respondent was unable to submit the defence and the investigation in the matters were not fully completed.”* There is no clarification of what the nature of the health concerns were or why it was not possible for someone else to complete the investigation referred to.
3. The respondent instructed their legal representatives in September 2021, by this date the time for presenting a claim had passed. No application for an extension of time to present a response was made until 24 December 2024. The explanation for delay is that the respondent’s legal representatives experienced issues with the individual who was responsible for giving them instructions. It is explained that the *“individual concerned was dealing with mental health issues and she was away from the office for two months.”* The respondent appears to explain the reasons why no action was taken to advance matters in this period because: *“Throughout this period, she advised the Respondent that she was*

working remotely but this was untrue... which only became clear to the Respondent on December 2021.”

4. The respondent applies for an extension of time to file a response, the claimant objects to the respondent's application.
5. The claimant objects to the respondent's application on a number of grounds set out in the email dated 21 February 2021. For reasons set out in that email, in particular that the respondent's delay is disproportionate and the claimant has suffered financial hardship and emotional stress directly as a result of the respondent, I am not satisfied that granting an application to extend time for the respondent to file a response is in the interests of justice.
6. The application for an extension of time and reconsideration of the rule 21 Judgment sent to the parties on the 11 January 2022 is refused.

Employment Judge Gumbiti-Zimuto

Date: 30 March 2022

Sent to the parties on: 8/4/2022

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For the Tribunals Office

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