



EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant
Respondent**
Ms D Balch

AND

Prospective
Whitbread Group limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Bristol **ON** 9 March 2022

EMPLOYMENT JUDGE J Bax

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the tribunal is that following a reconsideration on the Judge's own volition the decision to reject the claim is revoked and the claims of unfair dismissal, sex discrimination and arrears of pay, holiday pay and breach of contract are accepted.

REASONS

1. On 30 September 2021 Employment Judge Midgely accepted the claims of unfair dismissal, sex discrimination, arrears of pay, holiday pay and breach of contract and directed that the Claimant provide further information in relation to her claim of age discrimination.
2. The Claimant was directed to provide the further information, by way of an e-mail dated 14 October 2021 from the Tribunal, by 28 October 2021. No response was received. On 5 November 2021, the Tribunal chased the

- Claimant for a response by 12 November 2021, no response was received.
3. On 10 December 2021, Employment Judge Livesey ordered that unless the Claimant responded to the Tribunal's correspondence by 17 December 2021 the claim would not be served and the file closed. No response was received and Employment Judge Bax ordered that the file was closed in accordance with that order. On 18 January 2022 the Claimant was informed that her claim was rejected.
 4. On 2 March 2022, the Claimant wrote to the Tribunal and said that she had not received any correspondence asking her to respond to the Tribunal.
 5. Employment Judge Midgley considered the Claimant's e-mail and referred it to Employment Judge Bax.
 6. A decision not to accept a claim under Rule 10 can be reconsidered in accordance with Rule 13. Under Rule 13(2) an application for reconsideration under Rule 13 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit. Under rule 5, the Tribunal may shorten or extend any time limit specified in the rules.
 7. The grounds for reconsideration are only those set out in Rule 13(1), namely that either (a) the decision to reject it was wrong; or (b) the notified defect can be rectified.
 8. The claims of unfair dismissal, sex discrimination, arrears of pay, holiday pay and breach of contract had already been accepted and the Claimant had complied with the rules to present her claim. In the circumstances the time for reconsideration should be extended. Accordingly, the decision to reject the claim was wrong and it is revoked.
 9. The Claimant did not receive the Tribunal's correspondence requiring further information and the Claimant is granted an extension of time to provide that information and it has since been provided.

Employment Judge J Bax
Date: 27 April 2022

Judgment sent to parties: 16 May 2022
FOR THE TRIBUNAL OFFICE