



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Llewelyn  
**Respondent:** Oyster Bay Systems Ltd  
**Dated:** Monday 16<sup>th</sup> May  
2022  
**Before:** Employment Judge A Frazer

## RECONSIDERATION

Having considered the respondent's application for reconsideration of the remedy judgment dated 14<sup>th</sup> January 2022 under Rule 70 of the Tribunal's Rules of Procedure 2013 I refuse to revoke the judgment for the reasons given below.

## REASONS

1. By way of a submission which was sent to the Tribunal on 18<sup>th</sup> February 2022 the Claimant applied for a reconsideration of the remedy judgment dated 14<sup>th</sup> January 2022. This was opposed by the Respondent by way of an email dated 24<sup>th</sup> February 2022, principally on the basis that the application was out of time as it had not been made within 14 days of the receipt of the written reasons in accordance with Rule 71 of the Employment Tribunals Rules of Procedure. I determined that given the challenges to the judgment it would be in the interests of justice for me to reconsider of my own initiative in any event.
2. The application invites reconsideration of the capping of the Claimant's losses to one year and to challenge the Tribunal's decision to follow the guidance in the authority of **Mabey Hire Company Ltd v Richens [1992] UKEAT 207/ 90**.

**Application of Mabey Hire Company Ltd v Richens [1992] UKEAT 207/90**

3. There was a finding at paragraph 54 that the Claimant's new employment at Simpsons was permanent albeit that it was part-time. The Claimant was therefore made redundant from a permanent part-time position. Therefore there was no loss that arose from the redundancy of that position that could be attributable to the Respondent on the application of **Mabey Hire Company Ltd v Richens [1992] UKEAT 207/90**. Any residual loss was attributable to the fact that the position had been part time so there was still an ongoing loss because the Claimant's position with the Respondent was full time. That finding is reflected at paragraph 55 of the decision.

#### **The Period of Twelve Months Loss**

4. This finding is reflected in paragraph 58 of the decision. Having regard to s.123(1) the amount that I considered just and equitable to award the Claimant as compensatory loss was for a period of twelve months. Given her age and experience I found that it would be reasonable to expect a full mitigation of loss by that point in time. I do not consider that there is any basis for revoking that decision.

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Employment Judge A Frazer  
Dated: 16<sup>th</sup> May 2022

SENT TO THE PARTIES ON 17 May 2022

FOR THE SECRETARY OF EMPLOYMENT  
TRIBUNALS Mr N Roche