



EMPLOYMENT TRIBUNALS

Claimant: Mr Jonathan Bright

Respondent: Ridgewall Ltd

UPON APPLICATION made by letter dated 22 March 2022 to reconsider the judgment dated 24 January 2022 under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

- 1. The reconsideration application is granted and the judgment entered on the 24 January and sent to the parties on 9 March 2022 set aside.**
- 2. The respondent's application for an extension of time for the filing of its Response is granted and the response received on the 22 March 2022 accepted as its response to the claim**
- 3. A one day full merits hearing will now be listed to determine the claim**
- 4. Case management orders are made as set out in a separate document**

REASONS

1. The ET1 in this matter was received on the 1 April 2021 following a period of ACAS Early Conciliation between the 19 and 31 March 2021.
2. The claim was sent to the Respondent on the 21 April 2021 stating that its response was due by the 19 May 2021. The respondent states it has never received that letter.

3. No response was received within the requisite time period and on the 8 August 2021 a letter was sent to the claimant requesting that he provide a detailed schedule of the amounts being claimed. The respondent accepts this letter was sent to it and received but that no action was taken on it.
4. There was further correspondence with the claimant concerning the claim he was bringing culminating in judgment being entered on the 24 January 2022. This was not sent to the parties until the 9 March 2022.
5. The respondent's application for reconsideration was sent to the tribunal on the 22 March 2022 and included an application to grant an extension of time for the acceptance of its response which was attached to its letter.
6. A copy of the application and response was sent to the claimant on the 17 April 2022 and comments received from him by email of the 20 April 2022. These deal with the merits of the claim, attach copies of his contract of employment and other documents and do not comment at all on the application for reconsideration.

Conclusions

7. The application for reconsideration was made in time within the provisions of Rule 71 of the Employment Tribunal Rules 2013. The judge accepts it is in the interests of justice to grant the application, accept the response out of time and allow the matter to proceed to a full merits hearing to determine the claims on hearing the evidence.
8. The tribunal accepts that during the various restrictions imposed due to the Coronavirus pandemic it is more likely than not that the claim did not come to the attention of the appropriate member of the respondent's team due to limitations on staff attending the office.
9. The respondent clearly has a defence to the claim which needs to be heard. Greater prejudice will be caused to the respondent by not granting the reconsideration and extension than will be caused to the claimant by granting it as it will not be able to have its defence heard. The claimant will still have the opportunity to present his evidence to the full hearing, no evidence yet having been heard.

10. The judgment is set aside, the response accepted and a full merits hearing with a time estimate of one day will be listed.

Employment Judge **Laidler**

18 May 2022

JUDGMENT SENT TO THE PARTIES ON

.....27 May 2022.....

.....GDJ.....
FOR THE TRIBUNAL OFFICE