



EMPLOYMENT TRIBUNALS

Claimant: Miss B Babatola-Ojo

Respondent: Corner House Residential Home Limited

Heard at: East London Hearing Centre (by Cloud Video Platform)

On: 17 June 2022

Before: Employment Judge Gardiner

Representation

Claimant: Jack Ventress (Free Representation Unit)

Respondent: No attendance

JUDGMENT FOLLOWING RECONSIDERATION

The judgment of the Tribunal is that:-

The Respondent's application for reconsideration is refused.

REASONS

1. The Respondent has applied for reconsideration of the Judgment sent to the parties on 16 March 2022. The basis of the reconsideration application is contained in a two-page letter dated 31 March 2022. Part of the reasoning in support of the reconsideration application was that the Respondent was not able to access the final hearing conducted by Cloud Video Platform at which Judgment was entered in favour of the Claimant. This hearing was listed to consider the Respondent's reconsideration application.
2. There has been no attendance from the Respondent at this reconsideration hearing. Notification of this hearing was sent to the same email address from which the Respondent's reconsideration application was sent – aar1234@hotmail.com . There is no indication on the Tribunal's system that the email notifying the parties of this hearing bounced back from that email address. In addition, Mr Ventress who appears for the Claimant, sent a bundle for this hearing to that same email address.

He informs me, and I accept, that there was no bounce back from that address, unlike when material was sent to a different gmail address which had also been used by the Respondent. I am therefore satisfied that notification of this hearing has been sent to and received by the Respondent.

3. There has been no communication in advance of this hearing seeking a postponement of the hearing. Furthermore, there has been no communication from the Respondent this morning indicating that they are having any difficulty in accessing this hearing. The Tribunal clerk has called two numbers printed on the foot of correspondence from the Respondent. He spoke to Faisal Salamat on one of the numbers who claimed not to know about today's hearing and stated that the Respondent was no longer trading. He said that his accountant was dealing with this dispute and suggested that the Tribunal speak to the accountant. The accountant's name is Almas. The Clerk, on my instructions, told Almas that the hearing would be proceeding at 10.50am in the Respondent's absence regardless of whether the Respondent was represented. Almas was forwarded the details of how to join the video hearing in order to represent the Respondent. He was told that he needed to be in the video hearing room by 10.50am, if only to ask for more time before the case proceeded.
4. It is now 10.55am and no-one from the Respondent has attended. Somewhat surprisingly, Almas told the Tribunal Clerk that neither his phone nor his laptop was working. As a result, he was not able to attend the hearing. He asked if it might be possible to have a postponement.
5. I refuse this request for a postponement. The Tribunal has gone out of its way to ensure that the Respondent has had every opportunity to attend this hearing. The Respondent has not taken any of these opportunities nor has it explained adequately why it has not been possible to do so. The hearing has therefore proceeded.
6. On a reconsideration application the onus is on the Respondent under Rule 70 Employment Tribunal Rules 2013 to show it would be in the interests of justice for the Judgment be reconsidered. I have considered the written submissions from the Respondent dated 31 March 2022. I have also considered the helpful written submissions lodged by Mr Ventress, who represents the Claimant, and the documents in the bundle of documents which he has prepared. I am not persuaded that the Respondent was unable to attend the final hearing at which Judgment was entered in favour of the Claimant. Despite being asked in the Tribunal's direction dated 22 March 2022 to provide supporting evidence of the difficulties in joining, the Respondent was vague and unconvincing. The Respondent's apparent inability to join this reconsideration hearing, without good reason, further undermines the suggestion that there was a good reason why the Respondent could not join the final hearing.
7. Given that the Respondent has not attended this hearing, the Respondent has not advanced any adequate or sufficient basis for setting aside the Judgment. As a result, the Respondent's reconsideration application is dismissed, and the original

judgment is upheld.

**Employment Judge Gardiner
Dated: 17 June 2022**